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Cover Image

The Id Kah Mosque, Kashgar, Xinjiang

One of largest mosques in Xinjiang and the largest in China, built in 1442 by Shakessimirdzhi, governor of Kashgar. The name in Persian means “Place of Eid Prayers Festivals”. The mosque, with an area of 16,800 m² can accommodate around 20,000 worshipers. The Gate of the Mosque is 12.6 meters high and the towers at the both sides nearly 18 meters high.

Source: <http://www.advantour.com/china/kashgar/id-kah-mosque.htm>

POLITICS OF POLICY AND LEGISLATION AFFECTING WOMEN IN AFGHANISTAN: ONE STEP FORWARD TWO STEPS BACK

*Sarfraz Khan*Samina***

Abstract

This article attempts to chart and discuss policies and legislation affecting status of Afghan women, decreed or enunciated during various Afghan regimes prior to 9/11, 2001. Woman has been point of hot contention between warring segments of Afghan society, therefore, to understand underlying politics shaping policies and laws become imperative. We have arbitrarily subdivided Afghan regimes into the Royal, Republican, Democratic Republic, Mujahideen and Taliban. Afghan social and political life in general and gender relations, in particular, have been largely regulated by tribal customs and traditions, including Pukhtunwali. The article argues that development of policies and legislation concerning status of Afghan women has been paradoxical: in case of one step taken forward, two steps in retrogression followed, due to politics of Afghan central state authority, peripheral tribal resistance/autonomy, religion, external imperial and neighbouring regional forces.

Key Words: Afghan Woman, legislation, tribal tradition, *volvor*, bride price, confinement

Introduction

Since inception of the modern state of Afghanistan, in 1747, internal, external expeditions, tribal revolts and rivalries, and efforts of Afghan rulers to consolidate power prevented institution building and policy formulation.¹

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¹ Dupree, L., *Afghanistan*. Princeton University Press, Princeton 1973; Gregorian, V., *The Emergence of Modern Afghanistan: Politics of Reform and Modernization, 1880-1946*

Women, the embodiment of tribal Afghan honour, have always been considered politically, socially and culturally one of the most sensitive issues. Hence, a tendency to relegate issues concerning women to the private sphere has been witnessed and the central state remained reluctant in interfering in personal/family/tribal affairs. However, policies and legislation concerning women have been serving as one of the most important professed causes behind toppling and/or installing various Afghan regimes. Therefore, formulation and effective implementation of policies and legislation elevating status of women have always been a challenging task in Afghanistan. Nonetheless, various Afghan regimes have been formulating policies and laws favorably/adversely impacting the status of Afghan women.

Amir Abdur Rahman (r. 1880-1901), though known as the Iron Amir, had been the first Afghan ruler who attempted to restrict unbridled patriarchal authority over women. He issued decrees relating bride price, child marriage, widow's rights to inheritance and second marriage, woman's right to divorce under specific circumstances and claim *mahar*, dower. He tried to replace tribal customs, oppressing women, with *sharia*. Subsequently, King Amanullah (r.1919-1929) initiated education and emancipation of Afghan women by converting Afghanistan into a modern secular nation state. King Amanullah was toppled by *Bacha-e-Saqao*, who not only arrested but rather reversed this process of women's emancipation. Zahir Shah's regime opened door of higher education for Afghan women and created space for greater participation of women in social, political and economic affairs. For the first time in Afghanistan, women were granted right to vote and enter parliament. Mohammad Daud overthrew monarchy and promised removing oppressive patriarchal relations between men and women. He promulgated laws and policies to: secure women's rights to consent to marriage, education, divorce and custody of child; allow women to join all walks of life including judiciary, academia, police and armed forces, etc. Taking forward the agenda of women's rights, People's Democratic regime abolished bride price, created equal job opportunities, implemented intensive literacy programs, founded organizations and associations to promote women's rights. Mujahideen stalled all progress, and Taliban not only reversed but intensified confinement and oppression of women.

Period of Royal Regimes

Amir Abdur Rahman, in his autobiography, condemns Afghan customary laws considering woman not only husband's property, but also of his entire family, thus, entitling husband's next of kin to marry his widow, even against her will. Since return of widow back to paternal house or to

wed outside husband's kin symbolizes disgrace.² Declaring such customs against Islam, the Amir decreed, "the moment a husband dies, the wife is free, and she cannot be forced to marry anyone against her wish."³ He banned child marriage i.e., wedding tender girls, before the age of puberty and granted the right to accept or dissolve such marriages, after girls' coming of age. A right to divorce was granted to woman, in case, "her husband is cruel to her, or does not pay her expenses, she can sue him to give a sufficient alimony or to give her divorce."⁴ He also attempted to put a ceiling on bride price, stipulating, rupees 1000-3000 and 300-900, for members of the royal family and others respectively.⁵ Still, men restricted women's mobility and expression, since, "the honor of the people of Afghanistan consists in the honor of their women,"⁶ observes Nancy Dupree. Amir Habibullah (r.1901-1919), Amir Abdur Rahman's son, attempted to limit extravagant expenses incurred upon marriage, one of the major sources of indebtedness and usury in Afghanistan. He placed a varied ceiling on the amount to be spent upon marriage, of various classes.⁷ He introduced modern, scientific western education by founding *Habibia* High School, in 1903, in Afghanistan, prepared ground for emergence of liberal and secular thought that contributed towards women's emancipation.⁸ Sanction of return from political exile of Mahmud Beg Tarzi (1865-1933), one of the pioneers of women's rights in Afghanistan, also contributed in this regard. With Habibullah's support, Tarzi began publishing a biweekly liberal, reformist and nationalist newspaper, *Siraj-ul-Akhbar*, the Light/Torch of the News, from October 1911 to January 1919.⁹ In *Siraj-ul-Akhbar*, Tarzi devoted a supplement to women's issues entitled, "*Naamwaran-i-Zanan-i-Jahan* 'Celebrated Women of the World'".¹⁰ His wife, Asma Rasmiya Tarzi, edited the supplement and countered perceived inferiority of women, citing instances of women playing important roles in history. Tarzi advocated

² Khan, S. M., (ed.), *The Life of Abdur Rahman, Amir of Afghanistan*. Vol. II. Oxford University Press, Karachi First published in London in 1900, Reprint in Pakistan 1980, pp 66-7.

³ Ibid., p.67.

⁴ Id.

⁵ Ibid., p 66.

⁶ Dupree, N., 'Afghan Women in the Context of International Women's Rights Instruments'. In: *Proceedings of the Seminar on Women's Human Rights in Afghanistan*. Mazar-e-Sharif 1994, pp14-28 at p19.

⁷ Moghadam, V., *Modernizing Women: Gender and Social Change in the Middle East*. Lynne Rienner, Boulder & London 1993, p 217.

⁸ *Education in Afghanistan*. The Royal Afghan Ministry of Education, Kabul 1968, p 7.

⁹ Shafi, M., *The Development of Reformist and Liberal Ideas in Afghanistan: (1900-1950)*. Unpublished PhD dissertation, Area Study Centre, University of Peshawar, Peshawar 2009, p 75.

¹⁰ Senzil, N., 'The Feminine and Feminism in Tarzi's Work'. In: *Annali*, Vol. 55, No.3, University of Naples L' Orientale, 1995, pp 358-356 at p 360.

women's right to education, however, maintained that woman's primary role is motherhood.¹¹

King Amanullah assumed power following the assassination of his father Habibullah, and tried to transform Afghanistan into a modern secular state. He outlined and pursued an ambitious reform plan for emancipation of women, discouraged polygamy and veiling of women.¹² He was assisted in his endeavor of women's emancipation by his wife, Queen Soraya, father-in-law, Mahmud Tarzi, mother-in-law, Asma Rasmiya Tarzi, sisters, Kubra and Siraj-ul-Banat. He issued a decree abolishing slavery, in 1920. The decree freed women of concubinage, requiring upper class men to either marry their concubines or free them unconditionally.¹³ He promulgated family laws, termed *Nizamnamah-e, Nikah arusi, wa Khatnasuri* (Law concerning Wedding Contract and Circumcision), in 1920, to discourage *volvar*, bride price, child and forced marriage, however, it lacked effective enforcement mechanism.¹⁴ Another *Nizamnamah-ye-Arusi, Khatnasuri* promulgated, in 1923, discouraged extravagant wedding expenses, polygamy, child and forced marriages. It also prohibited *volvar*, *swara*, marrying women to settled feuds and clear debts and the custom to wed widows to relatives of the deceased husband.¹⁵ Article 4 of the *Nizamnamah* recognized woman's right to choose spouse without parents' interference. *Nizamnamah-ye-Arusi* contributed towards improving position of women in Afghan society; it allowed the state to regulate marital and family problems adversely affecting women, earlier dealt by clergy.¹⁶ King Amanullah, in 1923, promulgated first written constitution in Afghanistan, *Nizamnamah-ye-Asasi-e-Dawlat-e-Aliyah-e-Afghanistan*.¹⁷ Article 10 of the *Nizamnamah-ye-Asasi* stipulates that no man or woman can enslave another. Article 14 stipulates that every Afghan subject have the right to free education. Article 16 of the Constitution granted equal rights to all Afghan subjects.¹⁸

¹¹ Gregorian, V., *The Emergence of Modern Afghanistan: Politics of Reform and Modernization, 1880-1946*. Stanford University Press, Stanford & California 1969, p 172.

¹² Saikal, A., *Modern Afghanistan: A History of Struggle and Survival*. I. B. Tauris, London and New York 2012, pp75-78.

¹³ Moghadam, 1993, p 217.

¹⁴ Senzil, N., *Amanullah and the Afghan Ulama: Reaction to Reforms, 1919-29*. Unpublished Ph. D., dissertation, The University of Arizona, 1987, pp123-25.

¹⁵ Nizam Nama Niakh, Arusi, Khitnasuri, 1302 (1923 AD). Pashto translation, *Nizamnama da Nikah o Sunati*. 1927.

¹⁶ Moghadam, 1993, p 218.

¹⁷ Chishti, N. M., *Constitutional Development in Afghanistan*. Royal Book Company, Karachi 1988, p 21.

¹⁸ Ansari, M.A., (Trans.), *The Constitution of Afghanistan, 1923, (Nizamnamah-Ye-Asasi-E-Dawlat-E-Aliyah-E-Afghanistan)*. Retrieved from <http://www.afhangovernment.com/Constitution1923.htm>

Amanullah promoted female education and established first *Maktab-i-Masturat*, School of Girls, named *Esmat*, in 1921, later renamed *Malalai*.¹⁹ In Kabul, by 1927, there were three primary girl schools and one middle girl school.²⁰ *Amaniya* School, founded in 1922, began co-education in 1928.²¹ The first women weekly *Irshad-e-Niswan*, the Women Guide, was founded, in 1921, under patronage of Queen Soraya. With Amanullah's support, his sister Kubra established *Anjuman-e-Himayat-e-Niswan*, The Women's Solidarity Association, in mid 1920s, aimed at mobilizing women to protest injustices perpetrated by husbands, brothers or fathers. A hospital named *Masturat* was also opened for women during Amanullah's regime.²² In 1924, a revolt in Khost area, led by local mullahs, in the name of religion broke out against Amanullah's reforms and modernization.²³ A Loya Jirga held, in 1924, found policies regarding women's rights and status to be one of the major causes of this revolt.²⁴ It is estimated that 800 girls attended schools in Kabul during 1920-28. Another 28 young Afghan women were sent to Turkey to complete secondary education by King Amanullah, in 1928.²⁵

In 1928, Amanullah held a Loya Jirga to propose further reforms including: obligatory monogamy for government employees; fixing minimum age of marriage; promoting education of women; abolition of veil (*purdah*); wearing western dress in public, in Kabul; and increase in land revenue.²⁶ However, none of these reforms could materialize; rather Amanullah had to revoke some of the earlier reforms, following an armed uprising by conservative tribal chieftains and clergy, in 1928. Though, the uprising primarily originated due to historical tension between central national authority and tribal autonomy, however, capitalized upon policies of Amanullah, relating women's emancipation.²⁷ Copies of Queen Soraya's picture, published in various European newspapers, wearing a low cut gown, were circulated to sway people's emotions. King and Queen were blamed of undermining Islam and promoting western culture.²⁸

Habibullah, a Tajik bandit, known as *Bacha-e-Saqaw*, 'Son of the Water Carrier', seized power from Amanullah, and ruled from January to October,

¹⁹ Ministry of Education. *Education in Afghanistan, During the Last Fifty Years*. Vol. I. Planning Department, Ministry of Education, Kabul 1968, p 7.

²⁰ Ordyniec, J., *Afghanistan: Women's Education Oct.1967-march 1970*. Paris, July 1970, p 6. Retrieved from <http://unesdoc.unesco.org/images/0000/000083/008385eb.pdf>, accessed on 09/08/2015.

²¹ Gregorian, 1967, p 243.

²² Emadi, H., *Politics of Development and Women in Afghanistan*. Paragon House Publishers, New York 1993, pp 37-38.

²³ See Dupree, 1973, pp 448-9; Amin Saikal, 2012, p 83.

²⁴ Ewans, M., *Afghanistan: A New History*. Curzon Press, Surrey 2001, p 94.

²⁵ Poullada, L.B., *Reform and Rebellion in Afghanistan, 1919-1929*. Cornell University Press, London 1973, p73.

²⁶ Ewans, 2001, p 95.

²⁷ Poullada, 1973, pp 12-19.

²⁸ Dupree, 1973, p 450.

1929. His nine months rule was marked by plunder, torture, extortion and anarchy. All schools were closed and laws facilitating polygamy were reinstated. Veiling and seclusion were re-imposed upon women.²⁹ *Bacha-e-Saqaw* formed a council, *Majlis-i-Tanzim-i-Islamia*, the Muslim Administrative Council, to run the affairs of the government.³⁰ His former outlawed, bandit companions with offices in the administration were let loose to plunder people, since there was no law to be observed and no limit to be kept.³¹

Both, external and internal factors, contributed to the failure of Amanullah and his reform agenda. The British always suspected Amanullah of interfering in the tribal areas of British India. They feared that a stable and militarily strong Afghanistan could destabilize tribal areas on the British Indian side of the border.³² Amanullah too always aspired to integrate Pukhtun area controlled by the British with Afghanistan. In the Anglo-Afghan Treaty of 1921, he demanded control in the tribal area along the Indian side of the border. In 1923, he held a tribal Jirga in which he gave money and encouragement to rebellious tribal leaders from the Indian side of the border.³³

Afghans, Soviets and some other European press accused British of supporting *Bacha-e-Saqaw* against Amanullah, in circulating pictures of Queen Soraya, and blocking tribesmen from the Indian side to go to the aid of Amanullah. Printing and circulation of queen's pictures from foreign sources had been considered as evidence of British efforts to destabilize the Afghan monarchy.³⁴ Amanullah requested British help, they, instead used print media to inflame religious sentiments of the masses against him and widely publicized edicts declaring Amanullah a *Kafir*, infidel.³⁵ Clergy, on payroll of the British, launched a *Jihad* against Amanullah to protect Islam.³⁶ Internally, Amanullah had challenged traditional Afghan power brokers i.e., tribal chiefs and clergy, despite lack of a strong and organized army. Some of his social reforms, especially educating and emancipating women, were far too radical keeping in view, frozen in time, tribal patriarchal of Afghan society. Clergy was able to arouse tribesmen against Amanullah in the name of honor and Islam. Amanullah underestimated power of the tribal chiefs and influence of the clergy. Defeat of Amanullah's social and political reforms may be located in historical tension between

²⁹ Wahab, S., and Barry, Y. *A Brief History of Afghanistan*. (2nd ed.). Facts on File, New York 2010, p 110.

³⁰ Ghani, A., and Abdul Jalil Najfi (Eds.), *A Brief Political History of Afghanistan*. Najaf Publishers, Lahore 1989, pp 755-56.

³¹ *Ibid.*, 760-61.

³² Dupree, 1973, p 447.

³³ Martin, 2001, p 91.

³⁴ Dupree, 1973, p 453; Fletcher, A., *Afghanistan: Highway of Conquest*. Cornell University Press, New York & Ithaca 1966, pp 222-23.

³⁵ Tanwir, H., *Da Afghanistan Tareekh O Khapruni (History & Journalism in Afghanistan)*. Afghanistan Institute Holland, 2001, pp 81-82.

³⁶ Gupta, B. S., *Afghanistan: Politics, Economics and Society*. Frances Printers Limited, London 1986, p 59.

central national authority and peripheral tribal power.³⁷

Mohammad Nadir Shah, a general of Amanullah's army, overthrew Bacha-e-Saqaw in October 1929. After assumption of power, he immediately declared wearing veil for women obligatory, closed schools for girls, recalled all female students studying abroad and reinstated the practice of polygamy.³⁸ Nadir Shah banned the sole newspaper at the time published by Afghan women. In 1932, Nadir Shah prohibited marriage of a Muslim woman with a non-Muslim man.³⁹ He stepped slowly and cautiously towards modernization, once he consolidated power. He opened and renamed *Amaniya* School as *Nijat* School and re-opened *Malalai* School in 1931, however, to avoid hostility of clergy, transformed it to a nursing school.⁴⁰

In November 1933, Zahir Shah ascended to Afghan throne following the assassination of his father, King Nadir Shah.⁴¹ Gradually but cautiously, he formulated progressive policies and laws to: protect women's marital rights; increase women's mobility, visibility, education, employment and participation in politics. The Marriage Law, *Usulnama-i-Marasam Nikah Urusi wa Khitnasuri*, 1934, prohibited extravagant spending on marriage rituals, *Nikah* required consent of both the spouses. It disapproved bride price, however, did not effectively limit or ban it.⁴² The Marriage Law, 1949, unequivocally forbade all payments by the groom or his relatives, in lieu of bride price except *mahar*. The law also prohibited extravagant expenses on birth, circumcision, marriage and burial rituals, however, lacked effective implementation strategy.⁴³ The marriage law, 1960, banned marrying girls to settle blood feuds and in return of loan. It defined 15 years, not legally binding, age of marriage, disapproving child marriage. The law did not stipulate any legal consequence in case of violation.⁴⁴ The marriage law, 1971, stipulated consent of both the spouses obligatory for *Nikah*.⁴⁵

King Zahir Shah established a few more girls' schools and encouraged employment of women in teaching and healthcare professions.⁴⁶ It was during his reign, in 1941, that first secondary girls' school was established in Kabul. In 1946, 'Women Welfare Association' was established. The

³⁷ Poullada, 1973, pp 160-66.

³⁸ Gregorian, 1969, p 295.

³⁹ Emadi, 1993, p 44.

⁴⁰ Gregorian, 1969, p 309.

⁴¹ Dupree, 1973, p 475.

⁴² *Osulnam-i-Marasam Nikah, Urusi wa Khitnasuri*. Afghanistan, 1934.

⁴³ *Da Nikah Wada O sunati Osulnama*. 1949.

⁴⁴ *Da Azdawaj O da Nikah Khat Da Tarteeb Osulnama*. 1960.

⁴⁵ Rastin, T., Kabeh and Nadjma, Y., *Max Planck Manual on Family Law in Afghanistan*. Max Planck Institute for Comparative Public Law and International Law, 2012, p 11. Retrieved from http://www.mpipriv.de/file/pdf3/max_planck_manual_on_afghan_family_law_english.pdf, accessed on 10/06/2015

⁴⁶ Burki, S. K., 'The Politics of Zan from Amanullah to Karzai: Lessons for Improving Afghan Women's Status'. In: *Land of the Unconquerable: The Lives of Contemporary Afghan Women*. Heath, J., and Ashraf, Zahedi, (eds.). University of California Press, 2011, p 50.

association offered courses in reading, writing, cooking, knitting and sewing to women above school age. The society also worked towards raising consciousness of Afghan women through conferences, periodicals, theatre and educational films.⁴⁷ In 1947, Afghan government founded a Women Teachers' Training High School, whose graduates were appointed teachers in primary schools.⁴⁸ By 1948, number of female students rose to 8,625, still constituted mere 8.7 % of male students.⁴⁹ By 1954, there were 663 male and 16 female schools in Afghanistan.⁵⁰ Due to gender stereotyping boys and girls were instructed in different courses. From class 1-6, boys studied Natural Science, girls, Hygiene, Child Care, Housekeeping, Cookery, Sewing and Knitting.⁵¹ At higher secondary level, beside other courses, girls were instructed Sewing and Drawing; whereas boys, Economics and Sports.⁵² At grade 10 and 11, girls could opt for Teachers Training or Home Management courses.⁵³ Kabul University, founded in 1932, officially inaugurated in 1946, was open to both male and female students.⁵⁴

Table 1: Distribution of Boys/Girls Schools and Teachers, 1954.

	Number of Schools		Number of Students		Number of Teachers	
	Boys	Girls	Boys	Girls	Male	Girls
Primary Schools	277	13	80090	4615	2491	121
Middle school	7	1	1112	602	53	13
Secondary School	15	2	6965	3408	303	112
Vocational	26	-	4712		274	2
Village	338	-	12762	-		
Total	663	16	105641	8625	3455	248

Source: The Royal Afghan Ministry of Education.⁵⁵

Prime Minister Sardar Mohammad Daoud (1953-63), Zahir Shah's uncle, formulated several pro-women policies and laws. He encouraged women to join public offices; employed a number of women as;

⁴⁷ Education in Afghanistan, p 54.

⁴⁸ Ibid., p 47.

⁴⁹ UNESCO., *Basic Facts and Figures*. 1954, p 27.

⁵⁰ *Education in Afghanistan*. pp 91-93.

⁵¹ Ibid., pp12, 22, 48.

⁵² Ibid., p 22.

⁵³ *Education in Afghanistan*, pp 47-53.

⁵⁴ Adamec, L., *Historical Dictionary of Afghanistan*. (4th ed.), Scarecrow Press, Plymouth 2012, p 234.

⁵⁵ Education in Afghanistan, pp 91-93.

airhostesses for Aryana Afghan Airline, receptionists and telephone operators at the Tele-Communication department and other institutions⁵⁶ also voluntary unveiling of women.⁵⁷ Upper class women and students quickly abandoned *chadar*. Ladies of royal family and wives of officials appeared unveiled at the military parade on Independence Day, August 18, 1959.⁵⁸ In 1957, Afghanistan sent a women's delegation to attend a conference of Asian women in Ceylon and also a woman delegate to the UN, in 1958.⁵⁹ Daoud tried to extend emancipation of women to areas beyond the capital Kabul, too. On his visit to Kandahar, he encouraged wives of civil service personnel and other women to discard veil. Opposing his modernization drive, people in isolated areas beat to death women without veil, however, government firm in its resolve punished culprits in such cases by imprisoning them.⁶⁰

In 1964, the King appointed Kubra Noorzai and Masooma Wardaki to a 29-member Constitutional Advisory Committee to review the Draft Constitution prepared by the Constitution Committee.⁶¹ Four women were appointed to *Loya Jirga* that deliberated upon the promulgation of the Draft Constitution. The 1964 Constitution granted women right to vote and enter parliament.⁶² Space was created for social and political organizations of women, Dr. Anahita Ratibzad founded Democratic Organization of Afghan Women (DOAW), in 1965, to politically mobilize Afghan women and struggle against illiteracy, forced marriage and bride price. Women became cabinet ministers; political advisor and members of the Senate during 1965-1972.

⁵⁶ Dupree, 1973, p 532.

⁵⁷ Senzil, N., 'Afghan Women Under Marxism'. In: *From Patriarchy to Empowerment: Women's Participation, Movements, and Rights in the Middle East, North Africa, and South Asia*. Valentine Moghadam (ed.), Syracuse University Press, New York 2007, pp 58- 72 at p 59.

⁵⁸ Dupree, 1973, p 532.

⁵⁹ Emadi, H., *Repression, Resistance, and Women in Afghanistan*. Greenwood Publishing Group, Westport, 2002, p 70.

⁶⁰ Burki, 2011, pp 51-52.

⁶¹ Khan, M. A., The Third Afghan Constitution, Part-I (1964-1965). *Central Asia*, no.1(5), 1980, pp 1-25 at p10.

⁶² Yunas, S. F., *Afghanistan: Jirgahs and Loya Jirgahs, The Afghan Tradition (977 A.D. to 1992 A.D.)*. Self-Published, Peshawar 1997, p 56.

Table 2: Gender Composition in Afghan Parliament and Cabinet 1965-72

Positions	Male	Female
Members of the Cabinet	20	2
Deputies in the Parliament	216	4
Deputies in Senate	56	2

In 1965 election upper and middle class women contested and were elected to *Wulesi Jirgah*, parliament: Ruqia Abubakr and Dr. Anahita Raitbzad from Kabul; Khadija Ahrari from Herat; and Masuma Esmati Wardak from Kandahar.⁶³ Homeira Seljuqi and Aziza Gardizi became members of the Senate.⁶⁴ Two women were appointed cabinet ministers. Kobra Norzaye served as Minister of Public Health from 1965-67 and again from 1967-1969; and Shafiq Ziaayee, Minister without portfolio and political advisor, in 1971-72.⁶⁵

Republican Regime

Afghanistan was declared a Republic in July 1973, following a coup by former Prime Minister, Mohammad Daoud Khan, against King Zahir Shah. A liberal nationalist, he declared himself President of Afghanistan and at the very outset professed to remove "unjust patriarchal feudalistic relations between husband and wife."⁶⁶ Recognizing women's right to self-determination, he pledged equality of men and women before law, universal, free primary education for all male and female children.⁶⁷

In 1977, President Daoud introduced a civil code including a comprehensive family law: defining 16 years minimum age of marriage for girls and 18 for boys; granted both men and women the right to choose their spouses, and permitted a couple to marry despite family opposition. Though the code granted men exclusive right of divorce, however, women were allowed to seek divorce under specific conditions.⁶⁸ A woman could file a divorce petition in circumstances wherein the husband: had an incurable disease; refused or was unable to support financially; was imprisoned for

⁶³ Khan, A., 1980, pp 17-20.

⁶⁴ Ibid.

⁶⁵ Burki, 2011, p 50.

⁶⁶ Speech delivered on 23rd August, 1973 on Radio Afghanistan. Transcript in: *The Afghanistan Republic Annual 1974*. The Ministry of Information and Culture, p 46.

⁶⁷ Ibid.

⁶⁸ Kamali, M. H., *Law in Afghanistan: A Study of the Constitutions, Matrimonial Law and the Judiciary*. Brill Academic Publishers, Netherlands 1985, p 14.

long period; secretly married another woman or treated her with cruelty.⁶⁹ Regarding child custody, the code stipulated that a divorced mother could hold custody of a boy up to the age 7 and a girl to 9; the period could also be extended to another 2 years by the court in the best interest of the child. President Daoud also established a Family Court and appointed women judges in Kabul, Herat, Kandahar, and Kunduz.⁷⁰

President Daoud tried to develop female human resource pool, encouraging women to enroll in institutions of higher learning and take up jobs in public and private sectors. Women were not only elected to both houses of the parliament, but also recruited in judiciary, academia, police and armed forces.⁷¹ Consequently, general attitude towards women's presence in the public sphere began to change too.

Table 3: Distribution of Schools and Students in Afghanistan, 1974⁷²

	No. of Schools		No. of Students	
	Male	Female	Male	Female
Village	1749	245	127, 989	15,271
Primary	1126	169	392,626	68,909
Intermediate	449	48	90,412	11,642
High	162	28	39,759	5,175
Vocational	35	1	7,989	487

To mark 'Women's Year', 1975, President Daoud founded *Kumita-e-Ensijam-e-Zanan*, the Women's Coordinating Committee (WCC), to elevate status of Afghan women and facilitate their participation in the public sphere.⁷³ WCC adopted a multipronged strategy, working in collaboration with several women's organizations to improve the status of Afghan Women. The objectives of WCC included: collecting data on issues and problems of all strata of Afghan women, both in the private and public spheres; identifying causes of illiteracy and develop appropriate literacy programs; raising awareness about social rights and roles of women as citizens and mothers; Promoting principle of equal rights of men and women; Campaigning against polygamy; Amending laws to include civil rights of women; Publishing material on Afghan women's struggle for equal

⁶⁹ Lau, M., *Islamic Law and the Afghan Legal System*. LSE Research Online 2012. Retrieved from <http://eprints.lse.ac.uk/28366>, accessed on 15/10/2015.

⁷⁰ Emadi, 2002, p 99.

⁷¹ Senzil, *Afghan Women Under Marxism*, 2007, p 60.

⁷² From an Interview With the Deputy Education Minister. In: *The Afghanistan Republic Annual, 1974*. The Ministry of Information and Culture, p 250.

⁷³ *The Afghanistan Republic Annual, 1976*. The Ministry of Information and Culture, p 437.

rights and works of women writers; providing legal aid to women in need.⁷⁴ The committee created a huge body of literature regarding role of women in Afghan society and disseminated through radio, newspapers and periodicals. The government supported Afghan Women's Institute (earlier known as Women Welfare Association), to organize conferences, lectures and seminars to promote health, education and social status of Afghan women. WCC mobilized society around women's issues using newspapers and radio. In 1976, the president appointed 12 women to a *Loya Jirga* to deliberate upon the formulation of a new constitution.⁷⁵ In Election 1977 four women were elected to the legislative assembly. The 1977 Constitution declared that "the entire people of Afghanistan, women and men, without discrimination have equal rights and obligations before the law."⁷⁶

Peoples Democratic Regime

On 27 April 1978, Peoples Democratic Party of Afghanistan (PDPA), assumed power following a military coup (Saur Revolution) and declared Afghanistan a Democratic Republic, (DRA). Noor Mohammad Tarakai (r. April 1978-September 1979), Secretary General of PDPA became President, Prime Minister and Chairman of the Revolutionary Council. Babrak Karmal became Deputy Prime Minister and Vice-Chairman Revolutionary Council.⁷⁷ PDPA immediately initiated social, political, economic and gender reforms. Tarakai declared, "without the participation of the toiling women no great movement relating to the toiling masses has achieved victory, because women form half of the society."⁷⁸ He also decreed, "the People's state not only protects the women's movement but will also carry on intensive and effective struggles to equalize the rights of women with those of men. Afghan women from now on are free in the real sense of the word and have equal rights with men."⁷⁹ Declaring equality of women and men in social, political, economic, cultural and civil spheres, the state appointed Dr. Anahita Ratibzad, Minister Social Affairs and Tourism.⁸⁰ An ardent supporter of women's rights, Anahita Ratibzad eagerly worked to promote women's rights. DOAW led government's programs for education and emancipation of Afghan women. It operated literacy centres, promoted cottage industry and provided financial assistance to women. Due to

⁷⁴ Ibid., pp 439-40.

⁷⁵ Yunus, 1997, p 58.

⁷⁶ Government of Islamic Republic of Afghanistan. *The Constitution of Afghanistan* 1977, Article 27.

⁷⁷ Emadi, 1993, p 99.

⁷⁸ *Kabul New Times*, August 23, 1978.

⁷⁹ *Kabul New Times*, September 9, 1978.

⁸⁰ Taizai, S. Z., *The Saur Revolution (1978-86)*. Area Study Centre, University of Peshawar 1986, Printed and Published by The Frontier Post Publications, Peshawar and Lahore 1991, p 68.

differences within Khalq and Parcham factions of PDPA, the ministry of Social Affairs was dissolved. Minister Anahita Ratizbzd was dismissed and eventually DOAW renamed as Khalq Organization of Afghan Women (KOAW).⁸¹

Tarakai regime declared female education compulsory and launched an intensive literacy program to increase female literacy. It established National Agency for Campaign Against Illiteracy (NACAI) and demonstrating commitment to extend literacy campaign to women, appointed Dilara Mahak, President of KOAW, its Vice-Chairperson.⁸² In 1979, the regime had established 600 literacy centres, providing literacy trainings to 18000 women.⁸³

In October 1979, State issued 'Decree No.7 Concerning Dowry (Mahar) and Marriage Expenses'. The decree comprising 7 articles, addressed a number of women's issues including; bride price, minimum age of marriage and consent to marriage. It banned: exchange of money or commodities for a girl during wedding rituals; receipt of gifts from the bridegroom or his family on special occasions; fixed: ten dirham=300 Afghani as Mahar, following Sharia; 16 years minimum age of marriage for girls and 18 for boys; made consent of girl and boy obligatory for engagement/marriage and abolished the custom of marrying a widow to brother of deceased husband. Violators were liable to be punished with 6 months to 3 years imprisonment and confiscation of money or commodity exchanged.⁸⁴ The decree, however, neither addressed issues of child custody or polygamy, nor women's right to divorce.

The most controversial aspect of Decree No.7 had been fixing the maximum limit of *Haq Mahar* 300 Afghani, the amount to be paid to woman in case of dissolution of marriage. According to Raja Anwar, "(T)he trade in women was perhaps the greatest tragedy of Afghan society,"⁸⁵ approved by all classes and tribes. Bride price and extravagant wedding expenses were often the major cause of debts and impoverishment. Afghans consider bride price symbol of woman's chastity and social status of a family. Even women often take pride in huge bride price and sarcastically called those opting decree marriages *Seh-Sadi* (worth three hundred).⁸⁶ The decree was received favorably in Kabul, enabling, for the first time in Afghan history, young men and women freely choose spouses.⁸⁷ In rural areas, marriage, was not an individual but family affair, and often decided in

⁸¹ Emadi, 1993, p 74.

⁸² Beverley, M., *Revolutionary Afghanistan*. Croom Helm Ltd., London 1982, p 113.

⁸³ Moghdam, 1993, p 228.

⁸⁴ Decrees of the Revolutionary Council of the Democratic Republic of Afghanistan. In: *The Saur Revolution (1978-86)*. Area Study Centre, 1986, Printed and Published by The Frontier Post Publications, Peshawar and Lahore 1991, pp 178-79.

⁸⁵ Anwar, R., and Hassan, K., (Trans.), *The Tragedy of Afghanistan*. Verso, London, p 143.

⁸⁶ Taizai, *The Saur Revolution*. 1991, p 117.

⁸⁷ Raja. *The Tragedy of Afghanistan*. p 144.

a *Jirga*. Moreover, woman had been widely considered private property of man, therefore, considered decree an intrusion into man's private possessions and life.

Due to Khalq-Parcham factionalism in PDPA; power struggle within Khalq faction between Noor Mohammad Tarakai and Hafizullah Amin resulting into assassination of Noor Mohammad Tarakai; and the ensuing turmoil; Soviet troops entered Afghanistan, in December 1979.⁸⁸ Babrak Karmal, with Soviet Support, became the President of Afghanistan and took steps gradually towards reforms and gender equality. Declaring women's participation and contributions in the public sphere indispensable to the progress of the country, the state restored DOAW and appointed Anahita Ratibzad Minister of Education and member of the Revolutionary Council. Women were also appointed to government offices including army and police. Labour law, 1984, ensured equal job opportunities for men and women: granted women workers three months paid maternity leave and provided crèche facilities at workplace for breast feeding mothers.⁸⁹ In 1986, the state claimed that 22, 000 women are engaged in production; 11000 in education and 5000 in armed forces.⁹⁰ According to a UNESCO report, 1985, female enrollment, since 1976 increased, from 20% of the gross enrollment to 30-40%, in 1985.⁹¹ With government support, Anahita Ratibzad, formed Women's Councils in the capital and provinces to promote social and political activities amongst women. In 1984, DOAW claimed to run 532 literacy courses in Kabul, with 6, 193 women; 11 courses in Doshi (a district of Baghlan province), with 114 women; 53 in Parwan, with 412 women.⁹² In 1986, UNESCO awarded medal and diploma to Afghanistan on its achievement in education.⁹³

In 1987, Dr. Najibullah, after the assumption of power, expanded the role of DOAW to include intensive literacy and skills training courses for women and awareness raising campaigns.⁹⁴ Article 38 of the constitution 1987 stipulates that citizens, both men and women, of the Republic of Afghanistan have equal rights and duties.⁹⁵ Through the National Commission for Eradication of Illiteracy, the government set up literacy courses in state departments, institutions, factories, residential areas, villages, and amongst peasants and craftsmen.⁹⁶ To depoliticize DOAW, its

⁸⁸ Taizai, *The Saur Revolution*, 1991. pp 97-101.

⁸⁹ Gaur, R. B., *Afghanistan Expanding Social Base of Revolution*. Allied Publishers, New Delhi 1987, p 8.

⁹⁰ Taizai, *The Saur Revolution*, 1991, p 80.

⁹¹ UNESCO., *Education of Girls in Asia and the Pacific*. UNESCO Regional Office for Education in Asia and the Pacific, Bangkok, 1986, pp 2, 22.

⁹² Taizai, *The Saur Revolution*. 1991, p 80.

⁹³ Redoubled Effort to Wipe Out Illiteracy Urged. *Kabul New Times*, January 29, 1987.

⁹⁴ Senzil, *Afghan Women Under Marxism*. 2007, p 69.

⁹⁵ Article Thirty Eight, 'The Constitution of Afghanistan, 1987.

⁹⁶ Redoubled Effort to Wipe Out Illiteracy Urged. *The Kabul New Times*, January 29, 1987.

name was changed to All Afghan Women's Council and Ferozah Fedai was appointed its president.⁹⁷ In 1987, DRA claimed to have provided literacy training to 1.7 million people and enrolled women, as far as Badakhshan, Paktia and Kunduz, in midwifery and literacy courses.⁹⁸ Earlier, there had not been a single literate man or woman in the remotest village of Yamit, Wakhan district of Badakhshan, still 35 women passed literacy course.⁹⁹ State committee for physical education encouraged women's sports activities,¹⁰⁰ and the country had national women badminton and basketball teams.¹⁰¹ Women not only served in education and health sectors, but also printing, publishing and textile industries, construction plants, food factories, bakeries and armed forces. They were promoted to high positions, for instance, Dr. Sohela Sadiq, working in the Academy of the Medical Sciences of the Armed forces ascended to the rank of a general.¹⁰²

Due to civil war and fundamentalist pressure, following the withdrawal of Soviet forces, PDPA adopted a policy of national reconciliation and changed its name to Hezb-e-Watan.¹⁰³ The agenda of Afghan Women's Council (AWC) was made less political and more social and service oriented, i.e., to provide legal and social assistance to poor Afghan women. In an attempt to dismantle the image of mobilizing revolutionary women, Dr. Najeeb supported moderate women's movement. He appointed non-party members to public offices, such as; Saleha Farouq Etemadi, Minister of Social Security; Masuma Esmati chairperson of AWC and Minister of Education.¹⁰⁴

DRA mobilized women against class and gender hierarchy, included women in policy making, created job opportunities, developed female resource pool, recruited females not only in the Women's Councils, but also youth wing of the party, established family courts presided by women judges.¹⁰⁵ It also focused on mobilization of women from the working class. When Peoples Democratic regime collapsed in 1992, 50% of the students and 60% of the teachers at Kabul University were women, 70% of all school teachers, 50% of civilian government workers, and 40% of the doctors at Kabul, were women.¹⁰⁶ During these years, women gradually enjoyed much more personal freedoms and rights. However, most of these advances were

⁹⁷ *The Kabul New Times*, March 8, 1987, p4.

⁹⁸ Senzil, *Afghan Women Under Marxism*. 2007, p 67.

⁹⁹ *The Kabul New Times*, March 19, 1987.

¹⁰⁰ *The Kabul New Times*, January 28, 1987.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Moghadam, 1993, p 234.

¹⁰⁴ Yunas, S.F., *Afghanistan: Organizations of the Peoples Democratic Party of Afghanistan/Watan Party, Governments and Biographical Sketches (1982-1998)*. Vol.1, Self-Published, Peshawar, pp 243-44.

¹⁰⁵ Senzil, *Afghan Women Under Marxism*. 2007, p 66.

¹⁰⁶ Ibid., p 65.

limited to women living in Kabul and other major cities. Most of the rural areas still remained backward and women continued to be oppressed, treated as property rather than human beings with equal rights. In rural areas, women, social workers, and in western clothes, were harassed and attacked.¹⁰⁷

In April 1980, girls were mobilized against the Peoples regime through a letter, supposedly written by an Afghan girl studying in Moscow, alleging that she along with other 8 Afghan girls was forced to cohabit with animals in an experimental laboratory to engineer a new hybrid race. If Soviets were not pushed out of Afghanistan, all Afghan girls will meet the same fate, the letter claimed further. Photocopies of the letter were distributed through girls' educational institutes, to incite anti-government demonstration disrupting life in Kabul for 3 days. Two girls were killed in police firing during chaos.¹⁰⁸ Fundamentalist backlash of clerics and hostile international climate defeated process of women's emancipation in Afghanistan.¹⁰⁹ Fall of PDPA can be attributed to several local, regional and global factors including; rivalry between two opposing socialist and capitalist blocks; tension between tribal autonomy and central state authority; divisions within PDPA,¹¹⁰ role of Pakistan, Saudi Arabia and Iranian fundamentalists.

Mujahideen Regime

Mujahedeen, captured Kabul in April 1992 and various factions remained in power till 1996.¹¹¹ They immediately instituted a Ministry for the Promotion of Virtue and Prevention of Vice in 1992.¹¹² The Supreme Court decreed an ordinance on veiling on August 27, 1993, urging "that God's ordinances be carried out immediately, particularly those pertaining to the veiling of women. Women should be banned from working in offices, and radio and television stations, and schools for women, that are in effect the hub of debauchery and adulterous practices, must be closed down."¹¹³ It further ordained that: Women should not step outside home, unless absolutely necessary; in case of pressing need for going out, they must get the permission of husband and are to cover themselves completely. They must not: wear attractive clothing, perfume; jewelry, shoes making noise or inviting attention; walk gracefully, with pride, in the middle of the sidewalk;

¹⁰⁷ Moghadam, 1997.

¹⁰⁸ Raja, *The Tragedy of Afghanistan*, p 208.

¹⁰⁹ Moghadam, 1993, p 208.

¹¹⁰ Taizai, *The Saur Revolution*. 1991, pp113-14.

¹¹¹ Clements, F.A., *Conflict in Afghanistan: A Historical Encyclopedia*. ABC Clio, Oxford 2003, p 211.

¹¹² Cavanna, T.P., *Hubris, Self-Interest and America's Failed War in Afghanistan*. Lexington Books, Lanham 2015, p120.

¹¹³ Senzil., *Afghan Women Under Marxism: Fatawai- Sharai dar Mawrid-i-Hijab, The Sharia Ordinance on Veiling 1994*. Afghan Supreme Court, 2007, p 71.

talk to strangers; speak loudly or laugh in public.¹¹⁴ However, Mujahideen did not strictly follow those edicts and women continued working in education, health and social sectors.¹¹⁵ Rabbani government recognized women's right to work and was willing to send a delegation of Afghan women to the UN Fourth World Conference on Women. However, later gave in further in face of fundamentalist pressure and forbade 12- member Afghan women delegation to attend the conference.¹¹⁶

Various Mujahideen factions soon indulged in power struggle to control Kabul and other major cities, ensuing civil war resulted into destruction of schools, hospitals, libraries and infrastructure. Frequent attacks on residential areas brought nightmare to Afghan women. Warring armed militias, having allegiance to various Mujahideen leaders, used to enter houses to kill, rob and rape women. They abducted, forcibly married, detained for sexual purpose and even sold women into prostitution. Women workers, students and ethnic minorities were specifically targeted.¹¹⁷ When Gulbadin Hikmatyar became the Prime Minister of Afghanistan, he imposed harsher restrictions on women, his party, Hizb-e-Islami, stoned to death women even in suspicion of adultery.¹¹⁸

Taliban Regime

Taliban took over Kabul in September 1996, and closed girls' schools immediately, declaring obligatory veiling of women. They forbade women to work outside home and cover face or wear hejab.¹¹⁹ Renaming the country as the Islamic Emirate of Afghanistan, they established Department of Promotion of Virtue and Prohibition of Vice with unbridled authority in the name of preventing evils and enforcing right Islamic behaviour.¹²⁰ Radio Sharia used to announce decrees regarding women daily. Deploring denial of rights to women granted by *Sharia*, Mulla Omar vowed to restore these rights. In August 1998, he issued a decree that banned giving away women in *Swara* to settle blood feuds. He also banned forced marriage of a widow to husband's relatives, terming it un-Islamic.¹²¹ Mullah Omar, Amir of

¹¹⁴ Emadi, 2002, p 124.

¹¹⁵ Collett, P., Women's Rights in Afghanistan. *The News*, November 11, 1995.

¹¹⁶ Ibid.

¹¹⁷ Amnesty International., *Women in Afghanistan: A Human Rights Catastrophe*. Retrieved from <https://www.amnesty.org/en/documents/ASA11/003/1995/en/>, accessed on 10/10/2015.

¹¹⁸ Ibid.

¹¹⁹ Taliban Take Kabul. *The Frontier Post*. Sept. 28, 1996.

¹²⁰ Afghan Information Centre. *Afghanistan Monthly Bulletin*, March 1998.

¹²¹ Farman, *Da Afghanistan Islami Emarat Da Amir-ul-Momineen Khasusi Daftar*. Decree by Special office of the Amir-ul-Momineen's August 1998.

Taliban, reportedly said, “A woman’s face corrupts men.”¹²² He immediately banned stepping out of women without *mahram*, male escort,¹²³ besides making obligatory use of veil to cover face while outside home. The Department of Promotion of Virtue and Prohibition of Vice forbade: shopkeepers to sell goods to unveiled women; women to sit in the front seat of a vehicle or hiring taxi without a *mahram*; inviting women to hotels and wedding parties in hotels. In case of violation, the shopkeepers, drivers and hotels had to face serious repercussions.¹²⁴ They also forbade collection of fare from women, even in public transport, by an adult male, only minor below 10 years of age could perform this task.¹²⁵ In other words, child labour was promoted. Taliban also set rules for the State hospitals and private clinics based on so-called Sharia: Female could only consult female doctors; in case a female patient needed a male doctor, she was to be examined only in the presence of male *mahram*; both, female patient and male doctor, were to be dressed according to Sharia; male physician could not touch or see other parts of female patients except the affected one. Waiting rooms for female patients should be appropriately designed and female patients should be attended by a woman attendant only. These rules also forbade entry of male doctor into rooms/wards of female patients without calling; female doctors to wear stylish clothes and make up; female doctors and nurses to enter the room or ward of male patients. Sitting together of male and female doctors was strictly forbidden, in case of discussion, they were to follow appropriate hijab.¹²⁶ A woman found inappropriately veiled or washing clothes in the open was to be taken home with respect, however, her husband and/or other male relatives were to be punished.¹²⁷ During Taliban era, women were not allowed to work, but beg. Many women lacking male providers resorted to begging and sex work.

¹²² Armstrong, S., *Veiled Threat. Four Walls Eight Windows*, New York & London 2002, p 2.

¹²³ Marsden, P., *The Taliban: War, Religion and the New Order in Afghanistan*. Oxford University Press, Karachi, Lahore & Islamabad 1998, pp 88-89.

¹²⁴ Notice of Department for Enforcement of Right Islamic Way and Prevention of Evils. In: *UN Commission on Human Rights Final Report on the Situation of Human Rights in Afghanistan*. Choong Hyun Paik, Special Rapporteur, in accordance with Commission on Human Rights Resolution 1996/75, 20 Feb., 1997. E/CN. 4/1997/59. Retrieved from <http://www.refworld.org/docid/3ae6b0d34.html>, accessed on 21/10/2015, p 32.

¹²⁵ Tristan, P., *Taliban Rules, Decrees, Laws and Prohibitions*. Retrieved from <http://middleeast.about.com/od/afghanista1/a/me080907c.htm>, accessed on 20/10/2015.

¹²⁶ Taliban Islamic Movement of Afghanistan Rules of Work for the State Hospitals and Private Clinics based on Sharia Principles. In: *UN Commission on Human Rights Final Report on the Situation of Human Rights in Afghanistan*. Choong Hyun Paik, Special Rapporteur, in accordance with Commission on Human Rights Resolution 1996/75, 20 Feb., 1997, E/CN. 4/1997/59. Retrieved from <http://www.refworld.org/docid/3ae6b0d34.html>, accessed on 21/10/2015, p 33.

¹²⁷ Dupree, N., *Afghan Women Under the Taliban*; Maley, W., (ed.), *Fundamentalism Reborn? Afghanistan and the Taliban*. Vanguard Books, Lahore 2002, pp156-57.

Many educated women including former teachers, doctors, office workers, denied work, were compelled to beg.¹²⁸

The oppressive regime of Taliban was toppled by US led international coalition, following September 11, 2001, attacks on twin towers in New York and the subsequent declaration of 'War on Terror'. Hamid Karzai was appointed Chairman of an interim administration in an agreement concluded at Bonn.¹²⁹ He was later elected president of the transitional administration by a *Loya Jirga*, in 2002.¹³⁰ A new Constitution was adopted and Hamid Karzai was finally elected president in 2004.¹³¹ The new Constitution granted women a number of rights which is beyond the scope of the current article. However, Taliban frequently attack girl's schools and women health centres. In their latest endeavor against Afghan women they stoned to death Rokhsana aged 19-21accuseing her of adultery in Taliban controlled area of Ghaur valayat.¹³²

Conclusion

Formulation and development of policies and legislation concerning women, beginning with the era of Amir Abdur Rahman till Taliban, in Afghanistan, have been paradoxical. If Afghan state took one step forward to improve status of women, two steps had to be taken back due to local, regional and global forces. In pursuit of ideological and expansionist interests, regional and global forces, often, supported and/or opposed warring Afghan segments of population including clergy, tribal chieftains and progressive nationalist, liberal intelligentsia.

Throughout the ages, policies and legislation concerning women in Afghanistan revolved around the issues of: bride price, child and forced marriage, widow's right to consent remarriage; right to divorce, child custody, education, work, political participation and representation. In the absence of legislation by State, Afghans either resorted to tribal practices or depended upon local clergy for guidance in matrimonial, familial affairs. Hence, rights of Afghan women oscillated between tribal customary practices and religion. Amir Abdur Rahman's Royal State intruded into the domain of both clergy and tribal codes and limited absolute authority of man over woman's body, mobility, work, even life and death. In opposition to rigid tribal customary practices such as; *valvor*, *swara*, forced marriage of widow to relatives of deceased husband, religion, was used to provide

¹²⁸ Khattak, T. J., Five Days in Afghanistan. *The Daily News*, p6, July 19, 1999.

¹²⁹ See *Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions*. Retrieved from <http://www.un.org/News/dh/latest/afghan/afghan-agree.htm>, accessed on 22/10/2015.

¹³⁰ BBC News, *Karzai Elected Afghan Leader*. June 13, 2002. Retrieved from http://news.bbc.co.uk/2/hi/south_asia/2042040.stm, accessed on 22/10/2015.

¹³¹ *Karzai Elected Afghan President*. BBC News. November 3, 2004. Retrieved from <http://news.bbc.co.uk/2/hi/3977677.stm>, accessed on 22/10/2015.

¹³² *The Express Tribune*, November 3, 2015.

concessions to women on such issues. Amir Abdur Rahman, in the name of Sharia, banned child marriage, recognized widow's right to remarry of her own accord, and granted woman limited right to divorce.

Further, evolution of modern state was attended by progressive women friendly policies and legislation by discouraging polygamy and veiling of women; encouraging consent to marriage and promotion of female education. King Amanullah banned commodification, i.e., concubinage, and enacted legislation against bride price, child and forced marriage. Local clergy and tribal chieftains, aided and abetted by the colonial British Indian government, revolted against Amanullah. Ensuing chaos wreaked by *Bacha-e-Saqaw*, resulted into complete reversal of pro-women policies and legislation leaving women at the mercy of clergy and tribal practices. Royal state of King Zahir Shah legislated to ban *Swara*, limit expenses on marriage, obligatory consent of both the spouses for *Nikah* and granted women right to vote and enter parliament. He also promoted female higher education, training, employment, social and political mobilization. Women not only joined political parties, entered the parliament and cabinet, but also judiciary, academia, police and armed forces. Republican state of President Daoud also promulgated progressive legislation by fixing minimum age of marriage, granting women right to divorce and child custody. Multipronged strategy to promote women's rights beginning with research to identify women's problems and propose legislation; awareness raising on women's issues and rights; skill training was adopted to increase opportunities for women. The 1977 constitution declared women equal to men before law. Subsequently, Peoples democratic republican state of PDPA constituted gender equality in social, political and spheres, an integral part of its reformist political agenda. Intensive literacy program was launched by establishing literacy centres in far flung areas of Afghanistan. The state abolished bride price, promoted consent marriage and fixed *haq mahar*, encouraged women in higher education, public offices, social production, armed forces and sports activities, granted paid maternity leave and crèche facilities. Mujahideen regulated women's mobility, dress code, discouraged women's employment in offices and TV, nonetheless, did not strictly adhere to those edicts and women continued working. Taliban, though, had an explicit anti-women agenda, reversed all previous advances, by imposing segregation, confinement, and denied women right to education, health and work. Even they had to ban *swara* and forced marriage of widow to deceased husband's relatives. Authority to regulate women's mobility, dress code etc., traditionally vested in men and tribal codes, Taliban instead transferred to and institutionalized authority of clerics over women.

It is evident from the above that anti-imperialists and Afghan nationalist state promoted women's rights by taking a step forward; while Afghan tribal chieftains and clergy, with the support of imperialist/regional forces reversed women friendly policies and legislation, taking two steps back.

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- See *Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions*. Retrieved from <http://www.un.org/News/dh/latest/afghan/afghan-agree.htm>, accessed on 22/10/2015.
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POST-2001 STATE BUILDING IN AFGHANISTAN: INSTITUTIONAL PARADOXES, DISTRICT GOVERNANCE AND THE INTER-PLAY OF THE FORMAL AND INFORMAL AT BATI KOT, NANGARHAR

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Abstract

This paper attempts to bring out the linkages between the formal and informal governance structures, actors and processes at Bati Kot district in Nangarhar. It explores the question: what linkages are present between the formal and the informal at Bati Kot district and how these linkages are affecting the state building practice at sub-national level in Afghanistan? The aim is to locate the findings at the sub-national district level in Afghanistan in the broader debate of how the state building practice¹ of top-down and technocratic introduction of institutions generate paradoxes by either being remotely located, or incompatible with traditional socio-political life in fragile states.² The context in fragile states is, on the other hand dominated by fragmented and informal governance practices and structures. Such reforms either sideline the informal processes, or engage with them in complex linkages that complicate the attainment of state building goals. In the process, the formal and the informal local power structures and practices coalesce and the resultant linkages between these

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¹ The paper refers to state building as the process of building the state's institutional framework on a model provided and funded by international actors, in a process that follows international intervention and cessation of hostilities.

² It is paradoxical because state building theoretically is constructing effective state institutions, capable of service provision to the population but its practice imposes centralized structures patterned on Western lines, which have little or no basis in the host society. The locals remotely located from such practices and institutions end up adhering to their traditional institutions and practices.

either serve to inhibit state building goals, or promote these, but in non-orthodox, unconventional manner. Such contestations between the formal and the informal, the technocratic and the traditional makes the state building process complex and complicated for external state builders to devise state building models that are more adaptive to local conditions.

Key Words: Bati Kot district, Nangarhar, State building in Afghanistan, Sub-national governance, formal and informal institutions

Introduction

Post 2001 state building in Afghanistan was the culmination of the 9/11 attacks on US soil and the resultant backlash in the form of international intervention and ousting of the Taliban regime. The state building model ensued after 2001 in Afghanistan has been constructed around a framework of establishing centralized and efficient state institutions for security and service provision and building legitimacy in the political system through democratic elections, a constitution guaranteeing individual rights, regulations for media independence and civil society strengthening, and building of free market economy structures. Such institutional and liberal approach to state building is in itself an extension of how mainstream literature engages in discourses on ‘failed states’ and the resultant need to build them on Weberian and liberal features of statehood. Majority of state building definitions emphasize building of formal government institutions; their absence, ineffectiveness or erosion is cited as the most important reason for state failure in the first place.³

³ State building theory and practice follows the conventional international understanding of state failure discourses. As failed states are understood to be functionally and institutionally incompetent, state building is theorized and practiced in reconstructing capable and strong state institutions. State failure is further identified with legitimacy deficiency and economic backwardness; therefore state building is posited as strengthening of democratic forms of political participation and an orientation towards liberal market institutions. See, for example, Zartman, William I. (1995). *Collapsed States: The Disintegration and Restoration of Legitimate Authority*. Boulder, Co.: Lynne Rienner, 5-8; Jackson, Robert H. (November 1998). Surrogate Sovereignty? Great Power Responsibility and Failed States. Working Paper No. 25, Institute of International Relations, The University of British Columbia, 1; Woodward, Susan L. (November 29, 2007). Fragile States: Exploring the Concept. Paper presented to the States and Security Learning Group at the Peace and Social Justice meeting of the Ford Foundation, Rio de Janeiro, Brazil, 1-9. Retrieved November 12 2009, from www.fride.org; Rotberg, Robert I. (2003). Failed States, Collapsed States, Weak States: Causes and Indicators. In Robert I. Rotberg (Ed.), *State Failure and State Weakness in a Time of Terror*. New York: Brookings Institution Press, 2; di John, Jonathan. (January 2008). Conceptualizing the Causes and Consequences of Failed States: A Critical Review of the Literature. Working Paper No. 25, Crisis States Research Centre, London, Development Studies Institute, 9-10; Fukuyama, Francis. (2004). *State Building: Governance and World Order in the Twenty-First Century*. London: Profile Books Ltd., 130; Dorff, Robert H. (Winter 1999), Responding to the Failed State: The Need for Strategy. *Small Wars & Insurgencies* 10 (3), 62-8; Eizenstat, Stuart E.,

Such an over-emphasis on formal government institutions, veils the contribution of informal institutions in the governance of conflict states, including religious, kinship, tribal and social structures.

In conflict settings, when service provision by state's formal institutions is at the lowest, local communities construct informal institutional arrangements to provide essential services and maintain social and political order, which continues even in conditions of civil war.⁴ Not only by function of war and conflict, but also historical legacies, ecological features of subsistence economy and geographical constraints of inaccessible and harsh terrain, all contribute to making formal state institution's penetration prohibitive.⁵ Historical evolutionary processes may make tribal groups

Porter, John Edward ., & Wienstein, Jeremy M. (January-February 2005). Rebuilding Weak States. *Foreign Affairs* 84 (1), 136; Chomsky, Noam. (2006). *Failed States: The Abuse of Power and the Assault on Democracy*. New York: Owl Books; Carment, David. (2003). Assessing State Failure: Implications for Theory and Policy. *Third World Quarterly* 24 (3), 407-27; USAID. (January 2005). *Fragile States Strategy*. U.S. Agency for International Development. Retrieved February 6, 2007, from <http://www4.carleton.ca/cifp/app/serve.php/1326.pdf>; Torres, Magui M., & Anderson, Michael. (August 2004). *Fragile States: Defining Difficult Environments for Poverty Reduction*. PRDE Working Paper 1, UK Department for International Development, 5-27; Zaum, Dominik. (2007). *The Sovereignty Paradox: The Norms and Politics of International State Building*. Oxford: Oxford University Press, 1; Chandler, David. (2006). *Empire in Denial: The Politics of State Building*. London: Pluto Press, 1; Call, Charles T. & Cousens, Elizabeth M. (2008). Ending Wars and Building Peace: International Responses to War-Torn Societies. *International Studies Perspectives* (9), 4; Caplan, Richard. (2005). *International Governance of War-Torn Territories: Rule and Reconstruction*. New York: Oxford University Press, 3; Ghani, Ashraf., Lockhart, Clare., & Carnahan, Michael. (July 2005). Closing the Sovereignty Gap: How to turn failed states into capable ones. Overseas Development Institute. Retrieved April 23 2010, from www.odi.org.uk/publications/opinions; Whaites, Alan. (2008). States in Development: Understanding State-building. DFID Department for International Development Working Paper, 6-10. Retrieved April 25, 2010, from www.dfid.gov.uk; OECD/DAC. (April 3, 2010). Principles for Good International Engagement in Fragile States and Situations. Retrieved April 25, 2010, from <http://www.google.com.pk/url>; and Cammack, Diana., Mcleod, Dina., Menocal, Alina Rocha., & Christiansen, Karin. (March 2006). Donors and the Fragile States Agenda: A Survey of Current Thinking and Practice. Report submitted to the Japan International Cooperation Agency, Policy and Public Policy Group, Overseas Development Institute, London, 12-16. Retrieved May 16, 2011, from <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/1955.pdf>.

⁴ Examples include Somalia, DR Congo, Sierra Leone, Nigeria and Nigeria. See Boege, Volker. (January 2007). Traditional Approaches to Conflict Transformation-Potential and Limits. The Australian Centre for Peace and Conflict Studies, Occasional Paper Series, No (5), 15-20. Retrieved May 20, 2010, from <http://www.issr.uq.edu.au/acpacs-publications>; Raeymaekers, Timothy. (May 2005). Collapse or Order? Questioning State Collapse in Africa. Conflict Research Group, Working Paper No (1), 6-7; Anderson, Lisa. (Fall 2004). Antiquated Before They Can Ossify: States that Fail Before They Form. *Journal of International Affairs* 58(1), 13-14

⁵ It is suffice to say in Chesterman's et al., words that the basic question of ensuring one's security does not disappear with the fall of state institutions; non-state actors fill the political vacuum and ensure the continuity of political life even though, these may exist as parasites

overtly protective of their autonomy from state interference, as in Afghanistan, where the state has exercised loose suzerainty over the rural hinterland (over 90 % of the population in pre-1979 period). The 1979 war, served further to disengage the centralized state from the population, entrenching the hold of non-state informal institutions over local communities. This lack of understanding regarding the roots and function of informal structures is carried into post-conflict state building practice, when technocratic centralized institutions are introduced with little foundation in the society. Resultantly, these are often resisted by informal actors and suffer setbacks.

Helmke and Levitsky, define institutions as formal as well as informal rules and procedures ‘that structure social interaction by constraining and enabling actor’s behaviour’.⁶ In a similar vein, Boesen, explains ‘institutions as the rules of game in a society, or more formally, humanly devised constraints that shape human interaction’. Terming these as resilient social structures, he calls some informal, which are based on implicit understanding, rather than sanctioned through formal position.⁷ The findings of the paper suggest that the technocratic top down state building exercises are bringing the informal into contestation with the formal, by either failing to incorporate these or ignoring their relevance altogether in state building practices. The informal either resists the formal, or develops linkages with it, which under specific circumstances either compliment the state building goals or obstruct them.⁸ This paper aims to bring out just such contestation at the sub-national level governance in Afghanistan.

on local population. See Chesterman, Simon., Ignatieff, Michael., & Thakur, Ramesh. (2005). Introduction: Making States Work. In Simon Chesterman, Michael Ignatieff and Ramesh Thakur (Eds.), *Making States Work*. Tokyo: United Nations University, 1.

⁶ See Helmke, Gretchen., & Levitsky, Steven. (December 2004). Informal Institutions and Comparative Politics: A Research Agenda. *Perspectives on Politics* 2 (4), 725.

⁷ He defines governance as the management and enforcement of formal and informal rules and the exercise of power and authority. See Boesen, Nils. (December 11-12, 2006). Governance and Accountability: How do the Formal and the Informal Interplay and Change. Paper presented at the International Seminar on ‘Informal Institutions and Development-What do we know and what can we do?’ Input Paper for Session B: Governance, Accountability and Capacity Development, 2. Retrieved May 6, 2010, from <http://www.oecd.org/dac/governance-development/37680055.pdf>.

⁸ The interplay of the formal and the informal governance processes assumes different forms. Depending on their compatibility, or utility to one another, their interaction assumes four dimensions: accommodation, in case of successful integration of the informal into formal; complementary or functional, when informal institution provide problem solutions to enhance formal’s competency; competitive or dysfunctional, in cases, where informal, with incompatible goals compete with formal and undermine state institutions; and substitution, where absence of formal state institutions allows space to informal to provide services through traditional and local structures. See Helmke & Levitsky, *Informal Institutions and Comparative Politics*, 728-29; and Maren, Kraushaar., & Lambach, Daniel. (December 2009). Hybrid Political Orders: The Added Value of a new Concept. The Australian Centre

The broad framework for Afghan state building was detailed in the Bonn Agreement of December 2001, which provided the outline of not only an interim government, but also more permanent arrangements for a new constitution and elections.⁹ State building strategy in post 2001 Afghanistan initially focused on developing centralized state structures, confined to the urban centres. These centralized structures included, the Afghan National Army (ANA), Afghan National Police (ANP), judiciary and public administration. It was only after 2005, that more decentralized institution building practices were adopted. The election of provincial assemblies and creation of district government structures were some manifestations of such decentralized state building practice. Technocratic interventions at the sub-national level were handed to new institutional mechanisms, for example the Independent Directorate of Local Governance-IDLG (*da seema-e-zo urgaono akhpalwaka idara*), which was placed after its introduction in 2007, under the Afghan President's direct control.¹⁰ IDLG is credited with manning and supervising the functioning and policy making on sub-national matters.¹¹ One of IDLG's achievements in this regard is the Sub National Governance Policy (SNGP), a 400 page document which outlines the policies and laws relating to various tiers of administration and councils at the sub-national levels.¹²

Administratively, a three tier system is prevalent (theoretically) at the sub-national level in Afghanistan- 34 provinces (*wilayatona*), 399 districts

for peace and Conflict Studies Occasional Paper Series, No (14), 5-9. Retrieved October 12, 2011, from <http://www.issr.uq.edu.au/acpacs-publications>.

⁹ It provided for the convening of an Emergency *Loya Jirga* (ELJ) for working out an Afghanistan Transitional Authority (ATA), a Constitutional *Loya Jirga* (CLJ) in 18 months for making a new constitution and elections within a year of the ELJ. See 'The Bonn Agreement 2001, Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions.' (n.d.). Retrieved September 2, 2009, from http://www.unamaafg.org/docs/_nonUN%20Docs/_Internation-Conferences&Forums/Bo.

¹⁰ The IDLG is mandated to administer provincial, municipal (excepting Kabul municipality) and district administration and local council affairs, including capacity building of sub-national institutions. Its objectives are outlined as provision of good governance, participation of public in decision making process, making sub-national policies and supporting capacity building of sub-national institutions. See 'Independent Directorate of Local Governance IDLG Annual Report 2012.' (December 2012). Monitoring and Evaluation Directorate IDLG, Afghanistan, 1-7. Retrieved May 15, 2014, from http://carter.org.nz/wp-content/uploads/undp_asgp_infobook.pdf.

¹¹ A large number of its programmes, therefore, focus on capacity building, infrastructure provision and service delivery improvement. Many are overlapping and most target administrative growth at the provincial level. For details see 'IDLG Annual Report 2012,' 10-14.

¹² It was approved by the President of Afghanistan, Hamid Karzai in March 2010. For SNGP report, see IDLG. (Spring 2010). 'Sub-national Governance Policy, Islamic Republic of Afghanistan.' Independent Directorate of Local Governance IDLG. Retrieved March 7, 2011, from <http://jawzjan.gov.af/Content/Media/Documents/SNGP-English-Afghanistan307201192625245553325325.pdf>.

(*woluswalay*) and 40,020 villages (*Kali*).¹³ The district governments are smaller replicas of provincial governments. Headed by district governor (*woluswal*),¹⁴ these contain line ministry offices, including police and justice departments,¹⁵ education, health, agriculture and others. There is one major difference in structure. While provinces have elected provincial councils, there is no elected district council functioning at the moment.¹⁶ In villages (despite the provision of a village council by law), devolution of representative institutions is yet to take place. Therefore, districts (*woluswalay*) are the lowest tier of administration currently functioning in Afghanistan and for the Afghans, the first point of formal contact with the state.

The SNGP classifies district governance into formal and informal administration. In the formal category, it places the governor, district council, police chief, courts, line department offices, District Administrative Assembly (DAA) and District Development Assembly (DDA). And the informal ones include private sector, civil society (*shuras* and councils) and media communities.¹⁷ The lowest tier in sub-national governance -Village Councils are supposed to perform all functions that the district administration, including governor's office have at the district level and are by law accountable to the district Governor and district Council and downward to the village community.¹⁸

This paper aims to explore the linkages between the formal and the informal institutions, actors and processes at the sub-national district level in Afghanistan. It further attempts to decipher how such linkages promote or demote the state building goals in Afghanistan. The case study is that of Bati Kot district in Nangarhar, located on the eastern border of Afghanistan.¹⁹

¹³ See Shurkin, Michael. (2011). Subnational Government in Afghanistan. RAND National Defense Research Institute, Santa Monica CA., 5. Retrieved May 15, 2014, from http://www.rand.org/content/dam/rand/pubs/testimonies/2012/RAND_CT377.pdf.

¹⁴ The *woluswal* is in most cases helped in his administrative functions by a deputy *woluswal* (deputy governor).

¹⁵ The *wali* and the *woluswal* as heads of their level of governments, perform certain supervisory, recommending, appointment making and coordinating functions. For a detailed account of their responsibilities, see IDLG, 'Sub-national Governance Policy.'

¹⁶ Elections for the district council are as yet (end of 2014) not undertaken due to lack of clearly defined district boundaries and other issues.

¹⁷ See IDLG, 'Sub-national Governance Policy,' 130.

¹⁸ See IDLG, 'Sub-national Governance Policy,' 159-160.

¹⁹ Located in East of Jalalabad and bisected by the Torkham-Jalalabad Highway, Bati Kot district is 144 sq km in area with an estimated population of 73,000, predominantly Pakhtun, divided into 48 villages. See Ministry of Rural Rehabilitation and Development, National Area Based Development program. (2012). 'Nangarhar Provincial Profile.' Retrieved March 1, 2012, from <http://www.mrrd-nabdp.org/attachments/article/244/Nangarhar%20Provincial%20Profile.pdf>; IDLG, 'Sub-national Governance Policy,' 402; 'Estimated Population of Afghanistan 2012-13.' (2013), 9-10. Retrieved March 12 2013, from www.cso.gov.af; and UNHCR Sub-Office Jalalabad. (May 12, 2002). District Profile BatiKot. Retrieved April 2, 2013, from http://www.aims.org.af/afg/dist_profiles/unhcr_district_profiles/eastern/nangarhar/bati_kot.pdf.

The paper is based on primary data collected in Bati Kot district through interviews based on written questions from official personnel, including district governor (*woluswal*) and heads of line departments and semi or non-official actors in the district. The field data was collected during the period August 15 to October 12, 2011. Semi-structured interview questions were drawn up for the purpose of gathering data. Primary data is supplemented by secondary data sources. Therefore after introduction, the paper divulges into the debate of district governance in Bati Kot with especial reference to the working and interplay of the formal and the informal governance structures and processes. This is followed by a discussion of how such interactions are constructive, or otherwise for promoting the state building process. The last section provides the conclusions.

District Governance in Bati Kot, Nangarhar: Formal Vs. Informal/ Technocratic Vs. Traditional

District administration in Bati Kot is headed by the *woluswal* (governor), and includes a number of line department offices, including, Ministry of Justice-MoJ (*da adliye wezarat*), police under the Ministry of Interior-MoI (*wezarat-e-umuro dakhla*), Ministry of Public Health-MoPH (*da aame roghtiya wezarat*), Ministry of Education-MoE (*da pohane wezarat*), Ministry of Rural Rehabilitation and Development-MRRD (*da kalo dabiya roghawane au parakhtiya wezarat*) and Ministry of Agriculture Irrigation and Livestock-MAIL (*da karane, ubo lagoane au maldari wezarat*). Besides the district administration, provisions are provided in the 2004 Constitution as well as the 2010 Sub-National Governance Policy (SNGP) for elected councils at the district level; their first elections supposed to be undertaken in 2010 (under SNTV system), second in 2013 and so on²⁰. Despite such provision, no council elections have been attempted below the provincial level and resultantly, alternate bodies, such as the District Development Assemblies DDAs (*Inkishafi shura*)²¹ and the

²⁰ It further provides for 25 % women seats in the provincial and district councils. See IDLG, 'Sub-national Governance Policy,' 167-169.

²¹ Run under the MRRD ministry, and formed from the rural Community Development Councils-CDCs (formulate development plans for small rural communities through community participation), the DDAs are responsible for development planning, monitoring, evaluation and generation of resources at the district level and perform co-ordination among agencies and programmes for development at the district. These are provided funding from the national budget. See UNDP. (January 1, 2012). 'NADBP 2012 Annual Progress Report,' 2. Retrieved March 12, 2013, from <http://www.undp.org/content/afghanistan/en/home/library/poverty/nabdpAnnual-2012/>; UNDP. (2013). 'NADBP 2013 First Quarterly Project Progress Report,' 2-3. Retrieved May 2 2013, from <http://www.mrrd-nabdp.org/attachments/article/121/First%20Quarterly%20Report%202013%20NABDP%20FINAL.pdf>; and 'Sub-national Governance Policy,' 157-158.

District Community Councils (DCCs) function as district level councils (*shuras*).²²

The informal institutions in Bati Kot, including the community elders, *maliks* (village headman), *arbabs* (landlord), *mullahs/ ulema* (religious scholar), mosque *shuras* (councils), *Jirgas* (council of elders) and Non Governmental Organizations (NGOs) perform multifarious functions ranging from rural development tasks to dispute resolution and aiding line departments and NGOs in service provision. The *maliks* perform the role of intermediary between the district government and local population and perform minor administrative duties, such as, certifying applications for identity cards, passports and other government documents.²³ In Bati Kot district, *maliks* are not paid for their services²⁴ and their responsibilities include communicating people's problems to the government and communicating government's decisions etc., to the people. Some DCC *shura* members are also *maliks* (traditional chiefs) of their respective ethnic sub-groups/ *khels*.²⁵ *Ulemas* in Bati Kot were state sponsored and received stipends from the department of *Auqaff* (property volunteered for Islamic education) and *Hajj* (pilgrimage).²⁶

In the Bati Kot district, an investigation into the question of which linkages existed between the formal and the informal and how such interactions affected the state building practice revealed interesting findings. The investigation revealed strong linkages between the formal and the informal governance institutions. It had various manifestations. One manifestation of this is district officials undertaking duties not exclusively provided by law. For example, *woluswal's* functions under the law do not

²² The DCCs are run at the provincial and the district level under IDLG's Afghanistan Social Outreach Programme (ASOP). Elected by an electoral college comprised of local elders, these are working in three committees of conflict resolution, development and peace and security. See for details 'USAID Afghanistan, Fact Sheet.' (June 2011). Afghanistan Social Outreach Programme. Retrieved March 1, 2013, from <http://afghanistan.usaid.gov>; and Shurkin, 'Subnational Government in Afghanistan,' 12.

²³ The *malik's* name is registered in the district primary court, upon a letter of support from their community and he is issued a stamp. They receive payment in kind from their villagers. See Saltmarsh, Douglas., & Medhi, Abhilash. (June 2011). Local Governance in Afghanistan: A View from the Ground. AREU Synthesis Paper, 44, 45. Retrieved May 15, 2013, from <http://www.areu.org.af/Uploads/EditionPdfs/1114E%20Local%20Governance%20in%20Afghanistan%20SP%202011.pdf>.

²⁴ Interview based on written questions from Bati Kot district *Woluswal*, September 9, 2011, henceforth, Interview district *Woluswal*, September, 2011; and Interview based on written questions from Bati Kot district DCC *shura* member and *Malik*, September 18, 2011, henceforth, Interview DCC *shura* member and *Malik*, September, 2011.

²⁵ Each village is represented by a *Malik*, irrespective of the number of *khels* in it, though at times one village may represent one *khel* and therefore, a *malik* from that *khel*. A *malik* on death may be replaced through his people's selection by his own son. Interview district DCC *shura* member and *Malik*, September, 2011.

²⁶ Interview district *Woluswal*, September, 2011.

include referral of disputes for settlement to the formal court system or to the informal dispute resolution bodies. But, in practice, the disputant's first point of contact with the formal government in their districts is the governor and, it is the *woluswal* who exercises the unwritten prerogative of referring disputes to concerned informal (*Jirga* or *shura*), or formal bodies (prosecutor's office or *huqooq* department). Overlapping jurisdictions prevail among district personnel, not informed by law but underlined by practice. In Bati Kot, the district *woluswal* reported among his powers, referral of disputes among parties or individuals to concerned department for settlement (which also included the district *shura*), but insisted on non-interference in the affairs of the judiciary once case ended up in the primary court. He also attests the decision by the *shura*/DCC after it decides over a case.²⁷

Other studies also identify district governors (and provincial too) exercising considerable informal powers far beyond their official mandates of coordination and executive functions.²⁸ Bati Kot *woluswal* reportedly worked in close cooperation with traditional structures and local elders in carrying out his responsibilities.²⁹ The law also entrusts the district governor with moral and religious duties, including maintenance of religious places of worship, assistance in *Hajj* arrangements and assistance to religious *ulema* in their tasks.³⁰ Though such religious responsibilities are informed by law, there are certain functions the *woluswal* indulges in, which are not expressly mentioned in law. For example, the SNG Policy does not mention *woluswal* to have powers in dispute resolution (only maintenance of law and order),³¹ but as the practice in Bati Kot and other districts suggest, he is actively engaged in referring cases to the appropriate formal or informal body for resolution and even participate in informal *shuras* to resolve certain disputes. Other linkages between formal and informal are demonstrated by the functioning of district *shuras*. As mentioned earlier, in the absence of popularly elected assemblies, the DCC and DDA perform *shura* functions in the districts. These *shuras* perform dispute resolution functions and communicate informally, the decisions and directives of the district government to the people. The SNG Policy does mandate the elected district council to arbitrate in civil cases with the consent of both parties and mentions dispute resolution as one of the responsibilities of DCCs at the

²⁷ Interview district *Woluswal*, September, 2011.

²⁸ See Nixon, Himesh. (2008). Sub-National State Building in Afghanistan. AREU Report. Retrieved May 15, 2014, from <http://www.areu.org.af/>.

²⁹ Interview based on written questions from Bati Kot district male resident, October 9, 2011, henceforth, Interview district male resident, October, 2011.

³⁰ The district council has been entrusted with responsibility to eliminate illegal Islamic practices, such as *baad* (exchange of female for dispute settlement, forced marriages etc.) See IDLG, 'Sub-National Governance Policy,' 147 and 154.

³¹ IDLG, 'Sub-national Governance Policy,' 147.

district level.³² The Bati Kot DCC is also actively engaged in resolving disputes in the district. And their judgments are also recorded in the formal court system and serve as a point of reference for future decisions by the formal court.³³

In Bati Kot district, the mechanism for settling disputes by DCC *shura* resembled the functioning of traditional structures, such as *jirgas*. The DCC member (also a *malik*) reported deciding on cases on the basis of reconciliation for avoiding enmity among the parties and for preventing the recurrence of further disputes. When the council decides in the presence of both the parties impartially and on acceptance by both, the *woluswal* after approval sent it to the judicial department. But he also stressed that in cases of serious injury or death, the police chief and public prosecutor arrested the accused and subjected the case to further investigation.³⁴ This is interesting because the *shuras* while performing the function of a dispute resolution body try reconciliation, which is traditionally associated with indigenous dispute resolution bodies. The *shuras* also functioned as intermediaries, transmitting district government's directives to the local population in Bati Kot. The *woluswal* considered this function positive and argued that there was a better chance of accepting state authority when government decisions were communicated to the public through *shuras*. He also noted that at times, differences may appear between district *shuras* (DCCs) and *woluswals* and the *shura* may approach the *wali* and the central government on complaints of wrongdoing on the *woluswal* and force the authorities to take notice.³⁵ Such prerogatives are not provided in law. This reflects the two dimensional character of the relationship between the *woluswal* and the district *shura*. The district *shura* is helping the *woluswal* perform district related duties, but such help is conditional on how far the *shura* thinks of the *woluswal* as impartial in the discharge of his duties.

In the case of Bati Kot district, community elders were involved in dispute resolution functions at various levels-informally as members of their tribal *jirgahs*, at the village level as members of CDCs and at the district level as members of the district *shuras*, such as DDAs and DCCs. These informal actors, including *maliks* and elders were also consulted by the Bati Kot district police department through regular meetings for enhancement of security and peace.³⁶ The police chief argued that the capacity of the district

³² IDLG, 'Sub-national Governance Policy,' 154.

³³ Interview based on written questions from Bati Kot district *Qazi* of primary court, September 13, 2011, henceforth, Interview district *Qazi*, September 2011.

³⁴ Interview district DCC *shura* member and *Malik*, September, 2011.

³⁵ Interview district *Woluswal*, September, 2011.

³⁶ There was no *arbaki* functioning in Bati Kot district and the police chief believed that *arbaki* could play a positive role in maintaining peace and security (under tribal chief's control), without getting into conflict with the formal police structure at the district.

police department can be enhanced through regular meetings with the elders, village chiefs and *maliks*, necessary for maintaining durable peace.³⁷

The role of other informal bodies, such as mosque *shuras*, and *jirgas* is relevant in the context of not only dispute resolution, but also development functions at the sub-national level. For example in many urban districts, mosque *shuras* may be more influential in settling disputes, and are even relied on by INGOs for aid and food distribution. In Jalalabad *Nahias* (city districts), for example, each mosque has a mosque *shura* that works closely with the *Nahai shura*, for settling disputes and for coordinating aid distribution as well as liaison with the provincial line departments in reconstruction of infrastructure.³⁸ These examples show that semi-formal and informal bodies actively participate in dispute resolution at different levels beginning from the mosque *shura* right up to the district, and provincial council or *shura*.³⁹ In a survey conducted in some districts of North East Afghanistan, almost 78 % regarded *shura* to decide disputes in a just manner. A large number also thought (76 %) that *shuras* were immune to manipulation by outsiders and represented all households. Majority would go to elders of village *shura* first and none replied of going first to the provincial administration.⁴⁰ In Bati Kot, when the district *Qazi* was asked about giving dispute resolution functions to elected councils and whether it will increase their chances to indulge in corrupt practices, he replied that the council may exercise dispute resolution powers over petty criminal and civil cases, but felt the need to engage when the decisions violated constitutional and Islamic laws. In case of such violations, the judiciary did not verify such a settlement. He also insisted that if elected councils are supposed to

Interview based on written questions from Bati Kot district Police Chief, September 12, 2011, henceforth, Interview district Police Chief, September, 2011.

³⁷ Interview district Police Chief, September, 2011.

³⁸ Each of the jalalabad districts also consists of business *shuras* (unions) that resolve 65-70 % of the business disputes in Jalalabad city. See 'Linkages Between State and Non-State Justice Systems in Eastern Afghanistan: Evidence from Jalalabad, Nangarhar and Ahmad Aba, Paktia. (May 2009). Tribal Liaison Office, 12. Retrieved May 16, 2014, from <http://www.usip.org/sites/default/files/ROL/state-and-non-state-justice-systems-in-eastern-Afghanistan.pdf>.

³⁹ A further point of importance is that basis for such dispute resolution (even in Jalalabad city districts) is customary law (*Pashtunwali*), and this law is used for dispute settlement, even in the case of involvement of Sikhs of Jalalabad as one of the parties. See 'Linkages Between State and Non-State,' 13.

⁴⁰ See Koehler, Jan., & Zurcher, Christoph. (October 2007). Assessing the Contribution of International Actors in Afghanistan: Results from a Representative Survey. SFP-Governance Working Paper Series, No. (7), DFG Research Centre Berlin, 10-11. Retrieved December 12, 2011, from www.sfb-governance.de/en/publikationen.

entertain all types of disputes, then it was hard to justify the existence of formal court system.⁴¹

In the judicial sector, the link between formal and informal is pervasive. The *Huqooq* (rights) department,⁴² in case of registration of civil cases, not only urges the disputants to seek redressal through a *Jirga*, but also appoints mediators for such a *Jirga*.⁴³ The *Huqooq* department chief had a positive opinion about *Jirga* and council's dispute resolution role and argued about decisions by mediators to be brought on record. Especially decisions in those cases which were sent by the *Huqooq* department needed to be officially recorded for future reference by formal justice system.⁴⁴ The primary court *Qazi* in Bati Kot responded affirmatively on harmony between the formal and the informal and on the positive role informal played in resolving disputes. He argued that harmony can increase if formal *Qazis* encourage facilitating dispute resolution (initially) through the council of elders and honouring its decisions and settlement, which are made on the basis of Islamic *shariah* and record it after necessary legal and doctrinal stages.⁴⁵ The positive perception about the informal also stems from the fact that many judges and prosecutors, coming from respectable families also serve informally as members of *Jirgas* to resolve disputes between disputants. In Bati Kot district, before deciding under law, the court at first tries to settle dispute through reconciliation, and in case of failure, or in criminal cases, the public prosecutor looks into the case, and the judge decides the case according to the existing state laws.⁴⁶ Though not formally empowered to do so, even primary court judges may refer a case to *Jirga* for settlement. On the question of all *shura* and *Jirga* decisions being registered with the primary court in Bati Kot district, the *Qazi* replied that as a first step the court tries to settle dispute between the claimant and the disputant through mutual understanding of both parties under the mediation of the elders, religious scholars. When agreed for reconciliation, notification is issued to

⁴¹ Violation happen because such *shuras* settle cases on the basis of reconciliation, but formal court decides cases on the basis of Islamic or statutory law in favour of one of the parties. Interview district *Qazi*, September, 2011.

⁴² The *Huqooq* department is responsible for dealing with civil cases and putting into effect the judgments on them.

⁴³ In Jalalabad, in case of non-registration of a case but referral by the *Huqooq* department, a government stamp is procured and *jirga* decision copy is stored in the primary court, but in case of registration with a primary court and then referral to *jirga* by the court, the judge simply passes a verdict following decision by the *jirga*. In rural areas, decisions by *jirga*'s are registered in district governor's office. See 'Linkages Between State and Non-State,' 18-20.

⁴⁴ This was in reply to the question of whether their decisions can act as a reference point for formal justice sector in interpreting the settlement of future dispute. Interview based on written questions from Bati Kot district *Huqooq* department head, September 25, 2011, henceforth, Interview district *Huqooq* department head, September, 2011.

⁴⁵ Interview district *Qazi*, September, 2011.

⁴⁶ Interview district *Qazi*, September, 2011.

both the parties, dispute is decided in the light of Islamic *shariah* and the department (primary court) is informed about the decision. At the satisfaction of both the parties, the decision is recorded and the case of the claimant and the defendant is concluded. A copy of decision is given to the parties each and one copy is kept in the register and in the files of the department.⁴⁷ These observations and examples show that the inter-linkages between formal and informal dispute resolution bodies are very strong in Bati Kot. And that the disputes when referred by the formal court to informal bodies is decided according to the satisfaction of disputants, it is formally registered and becomes a fact of law. Some reports also cite district *shura* judgments being registered with the provincial governments.⁴⁸

The case of Community Development Councils-CDCs (*Meli Paivastun Shuragano*) functioning in villages as community governance institutions provide further examples of pervasiveness of intermingling and fusion of state and non-state customary roles.⁴⁹ Their experimentation in two-third villages in Afghanistan reveal the importance of social context in determining their organization and functioning, which differs in different backgrounds, despite possessing a well developed set of standard procedures.⁵⁰ These include, for example, reduced or one-third representation to women, where mixed councils are allowed and in cases, such as Herat and Nangarhar, organization of separate but equally numbered councils for men and women. Flexibility has been inbuilt in its operational manual for either mixed or if not possible, separate women councils to work side by side with men's one.⁵¹ Differences were also revealed in the manner of project selection. The CDC members are also engaged in performing development councilor functions in tandem with their more traditional roles, such as, dispute resolution, labour organization and social protection for the vulnerable.⁵² The successful working of CDCs in villages show that there

⁴⁷ Interview district Qazi, September, 2011.

⁴⁸ See 'Linkages Between State and Non-State,' 18-20.

⁴⁹ The CDCs operating under MRRDs National Area Based Development Programme-NADBP (*seemahzee au parmakhtiya Milli Programme*) were initiated in 2003 at village community level for formulating community development plans. Composed of village representatives, these CDCs get finances between \$ 20,000–60,000 (WB and donor funded) from the MRRD and make up for the rest from community resources. See Shurkin, 'Sub-national Government,' 10-11; and 'What MRRD Does?' (April 2004). Ministry of Rural Rehabilitation and Development MRRD, Government of Afghanistan. Retrieved April 17, 2013, from <http://mrrd.gov.af/en/page/71>.

⁵⁰ Working in all the 34 provinces of Afghanistan, their numbers had reached 28,18. See MRRD Fact Sheet. (n.d.). Retrieved June 12, 2012, from mrrd.gov.af/en/page/211.

⁵¹ In April 2004, out of 4000 CDCs, 15 % were special women councils and the rest were mixed. See 'What MRRD Does?' 1.

⁵² Other related success factors include, longer period projects backed by government initiative, considerable resources and NGOs participation as facilitating partners. See Nixon, Hamesh. (2009). *The Changing Face of Local Governance: Community Development*

should be built in flexibility mechanisms in technocratic exercises of state building, which should allow these bodies, by consensus and in conditions of cultural sensitivities, to bring changes in their functional and organizational aspects. Such intermingling of informal with the formal is also reported in formation of DCCs. For example, in December 2009, the election of DCC in Khushi district (Logar province) was conducted through consensus in a *jirga*.⁵³

Formal/Informal Inter-play: The Result?

The linkages between informal and formal present a complicated picture when analyzed in the context of whether these are working to extend state building goals, or not promoting the same, or even working to fail them. The case of CDCs in villages present a positive manifestation of the same, as local context has been substantially accommodated in deciding on local CDCs membership, form of election and scope of functions. Such an approach has helped increase its effectiveness and outreach to two-third villages in Afghanistan. Many studies on sub-national governance report CDCs to enjoy the best reputation.⁵⁴ This positive perception is carried in Bati Kot too. In Bati Kot, male respondent expressed a positive opinion about international community's developmental projects in building roads, schools, agricultural sector and electricity, which they carried out on the suggestion of village CDCs.⁵⁵ One of district CDC heads in Bati Kot defended his village CDC against any charges of politicization and denied its use by village influential for personal gains and benefits.⁵⁶ By implication, the CDCs are successful experiments in developmental oriented tasks and any hint of unfairness denied by its head. The CDCs are also involved in dispute and conflict resolution functions at the village community level. This positive aspect of CDCs functioning has invited suggestions from observers for legally transforming these into formal village councils; directly elected under Independent Election Commission (IEC) supervision and entrusted

Councils in Afghanistan. Afghanistan Research and Evaluation Unit AREU, 8-43. Retrieved May 15, 2014, from <http://www.areu.org.af/Uploads/EditionPdfs/802E-Changing%20Face%20of%20local%20Governance-WP-print.pdf.pdf>.

⁵³ Khushi was divided into 5 zones (two for Pakhtuns and three for Tajiks) to elect 9 council members from each group. See USAID. (n.d.). 'Success Story, Afghans Form First District Community Council.' Retrieved April 2, 2013, www.usaid.gov.

⁵⁴ See for example, Shurkin, 'Subnational Government,' 10-11.

⁵⁵ Interview district male resident, October, 2011.

⁵⁶ Interview based on written questions from Bati Kot district CDC head October 11, 2011, henceforth, Interview district CDC head, October, 2011.

with corporate positions, for running their own finances and managing their own bank accounts.⁵⁷

The NGOs in Bati Kot as important informal actors are in various instances, contributing positively to enhancing state building goals especially in service provision sectors. All the district line ministries, including MoE, MoPH, MAIL and MRRD are supplemented by NGO partners. Besides, the support and involvement of informal community actors, such as local influentials and *mullahs* has been instrumental in raising community awareness about the benefits of vaccinations as well as basic education for girls.⁵⁸ In Bati Kot, health department chief confirmed the positive contribution of community elders and *mullahs* in managing health issues of their villages. Village elders met in council meetings to resolve health related problems. Both village elders and *mullahs* acted as intermediaries in extending government health messages to the public.⁵⁹ The health department head confirmed elder's positive role in communicating to large number of people information about health problems, different diseases and the preventive measures to be undertaken in these diseases, from the elders.⁶⁰

The Bati Kot District Education Officer (DEO) conceded the positive role of village elders and *mullahs* in supporting and defending the cause of education in the district.⁶¹ His asserted that religious scholars and village elders showed their consent and agreement for support to girl education and did not entertain any complaints even in connection with co-education. He considered lack of resources, such as female teachers and girls schools greater hurdles than community's or Taliban's opposition, which he insisted did not exist in Bati Kot district.⁶² DCC *shura* member also confirmed *malik* and *shura* member's role in mobilizing people on important issues such as educational development, for example, by placing requests for schools etc.⁶³ These observations suggest the constructive role informal actors are playing in Bati Kot in helping line departments spread positive services among the district population. District elders are instrumental in helping the police to

⁵⁷ See Boex, Jamie. (November 2012). Exploring Afghansitan's Subnational Fiscal Architecture: Considering the Fiscal Linkages between Villages, Districts, Provinces and the Centre. IDG Policy Brief, Urban Institute Center on International Development and Governance, 5. Retrieved September 14, 2013, from http://epublications.uef.fi/pub/urn_isbn_978-952-61-0260-3/urn_isbn_978-952-61-0260-3.pdf.

⁵⁸ See Saltmarshe and Medhi, 'Local Governance,' 30.

⁵⁹ Interview based on written questions from Bati Kot district Health Officer, September 15, 2011, henceforth, Interview district Health Officer, September, 2011.

⁶⁰ Interview district Health Officer, September, 2011.

⁶¹ Interview based on written questions from Bati Kot district Education Officer, September 14, 2011, henceforth, Interview district Education Officer, September 2011.

⁶² Interview district Education Officer, September, 2011.

⁶³ Interview district DCC *shura* member and *Malik*, September, 2011.

improve security in Bati Kot. The Bati Kot male resident responded in affirmative and confirmed their cooperation for keeping security, when asked whether state should involve the traditional institutions for maintaining peace. He expressed positive opinion about NGO involvement in development projects.⁶⁴

In some cases, the pervasive influence of informal over the formal assumes patrimonial features, but such patrimony is also said to be advancing in non-traditional ways, the goals of state building in Afghansitan. The example of Gul Agha Sherzai, the *Wali* of Nangarhar demonstrates that informal and formal enjoy a patron-client relationship and this relationship has paid dividends in maintaining security, initiating and sustaining reconstruction and controlling narcotics in the province. It also shows that the informal style of rulership is extending central state building goals in Nangarhar. Patron client relationship functions as a two-way process. The governor provides jobs out of personal favour, gives contracts to tribal influentials, resists technocratic appointment in favour of tribal ones, provides development funds on tribal priorities and the like. The tribal leaders on their part act as intermediaries between the formal administration and the people by extending government directives to the people and maintaining stability in their areas.⁶⁵ There are other examples, for example, Ahmad Shah Massoud and *Shurai Nazar Shumali* (Northern Alliance), created administrative, judicial and military structures which carried out state related functions and also engaged with NGOs to provide health services to the people. Ismail Khan of Herat is also credited with developing an effective administrative system, which provided services (less corrupt) on revenues earned from customs and regional sponsorships. Biro, attributes the success of these informal patrimonial warlordism on their ability to cooperate and interact with traditional authority structures that define Afghanistan's micro societies.⁶⁶

There are some examples at the district level, where even political appointments have promoted the cause of state building. In Kohistan (a

⁶⁴ Interview district male resident, October, 2011.

⁶⁵ In this case, both are lending their political capital to each other. See Mukhopadhyay, Dipali. (August 2009). *Warlords as Bureaucrats: The Afghan Experience*. Washington DC, Carnegie Endowment for International Peace, 15-20. Retrieved February 11, 2011, from <http://carnegieendowment.org/files/warlordsasbureaucrats.pdf>.

⁶⁶ Warlord's access to a wide variety of sources (globalized markets, transnational Islamic parties, foreign countries) allows them to surpass traditional local leadership in his capacity to attract resources, but he needs cooperation from solidarity groups to exercise his powers effectively. See Biro, Daniel. (2007). *The (Un) bearable Lightness of...Violence: Warlordism as an Alternate Forms of Governance in the Westphalian Periphery?* In Tobias Debiel and Daniel Lambach (Eds.), *State Failure Revisited II: Actors of Violence and Alternate Forms of Governance*. Institute for Development and Peace, University of Duisburg-Essen, INEF Report (89), 22-25. Retrieved December 9, 2011, from <http://inef.uni-due.de/page/documents/Report89.pdf>.

district of Faryab), for example, the locals rejection of a *Jumbesh* appointee because of their political affiliation with *Jamiat*, led to the appointment of a *Jamiat* governor, which helped in operation of security and reconstruction institutions, such as the ANP and the PRT.⁶⁷ But the above cases are exception rather than the rule and probably more relevant in cases where traditional structures survived the war and where traditional rulers may be patronized to generate allegiance from the entire tribes. In other cases, strongmen who based their authority on local security and economic networks, which were often outside the law, failed to provide dividends to their respective province of rule. In Helmand, for example, the corrupt rule of Sher Mohammad Akhunzada, not only estranged significant groups in the province, but also failed to curtail poppy cultivation and heightened provincial insurgency.⁶⁸

The interplay of informal with the formal also influences negatively the goals and objectives of state building exercises. This may happen, when informal power holders seek to influence the formal governance through patronage based appointments. Some of such practices may encourage because of legal authorizations to district and provincial governors to approve lower grade appointments. For lower level district appointments, local influential are supposed to provide references and such references become a source of patronage and relationship based appointments. The Bati Kot *woluswal* mentioned political interference as a salient issue confronting the line ministries working in the district.⁶⁹ The DCC *shura* member in Bati Kot also mentioned besides inadequate resources and low security, undue interference by influential as a major hindrance in the way of development works.⁷⁰ Such influence may translate in a bias among development council members such as the DDA, in choosing projects that specifically benefitted only their respective areas.⁷¹ Bati Kot male respondent mentioned Afghan state's capacity to provide security and maintain peace being influenced by external interference and corruption issues.⁷² The corruption menace afflicts police department too, especially when elders try influencing arrests and investigations of cases.⁷³ While recognizing the generalized practice of

⁶⁷ It signifies the gatekeeper role of district governor to people's access to services. See Nixon, 'Subnational State Building,' 26.

⁶⁸ Canas, Vitalino. (October 2011). Governance Challenges in Afghanistan: An Update. NATO Parliamentary Assembly Special Report, 8. Retrieved March 12, 2012, from <http://www.nato-pa.int>.

⁶⁹ He also mentioned insecurity and lack of adequate resources. Interview district *Woluswal*, September, 2011.

⁷⁰ Interview district DCC *shura* member and *Malik*, September, 2011.

⁷¹ Interview based on written questions from Bati Kot district District Development Assembly (DDA) head, October 5, 2011, henceforth Interview district DDA head, October, 2011.

⁷² Interview district male resident, October, 2011.

⁷³ See Saltmarshe and Medhi, 'Local Governance,' 22-25.

indulgence by influentials in *wasita* (connection) or corruption to get their works done, Bati Kot governor stressed his appointment had been done on pure merit and therefore his non-indulgence in unfair practices.⁷⁴ This implies that the capacity to indulge in unfair practices increase as the office of the *woluswal* becomes an appointed one rather than filled in through a competitive process. Perhaps patronage appointment obliges the governor to fulfill illegal demands on the part of those influential who had influenced his appointment in the first place.

These examples illustrate the negative influence of informal over the formal practices of governance. Some such practices also confront the judicial sector and those bodies involved in dispute resolution at the district level. The linkages between the formal and the informal in judicial matters, may be convenient for resolving disputes at a faster and cheaper rate and pace, however, such cooperation also results in facilitating corruption and increasing relationship based influences on sub-national government priorities. The elder's position as *Jirga* representatives and their influence as members of local *shuras* in charge of food and aid distribution coalesce to create at times (as suggested by the case of Nangarhar's capital Jalalabad) unfavourable and unjust influences over distribution of resources. Here *Jirga* elders as gatekeepers to state and non-state resources, may influence the disputants to agree to accept specific mediators (who receive expenses as charges for fuel, meals or mobile phones, etc), or risk being excluded from the group of beneficiaries.⁷⁵

Shuras and *Jirgas* engagement in informal dispute resolution also serves to increase their indulgence in corrupt practices. In the BatiKot district, the *woluswal* reported majority of disputes involving security, economic or community interests to be first dealt in by local *shuras* and elders and such cases sought legal recourse only as a last option. The *woluswal* noted community based dispute resolution mechanisms to be not always constructive and held that mostly *shuras* and elders settled disputes to serve their personal interests and for preventing people from taking recourse to formal court settlements.⁷⁶ There were reservations expressed by the DCC *shura* member on the question of current *shuras* effectively performing their functions in relation to dispute settlement. He argued that council members and elders fail to settle dispute in the light of justice requirements, instead demand cash as a security from rival groups, and take power of attorney from the disputants. They distribute the cash and in this way have a poor influence over the public.⁷⁷ Though formal institutions indulge in corrupt practices

⁷⁴ Interview district *Woluswal*, September, 2011.

⁷⁵ This political capital also works in a positive manner of making disputants accept the decisions reached by the *Jirgah*. See 'Linkages Between State and Non-State,' 20-22.

⁷⁶ Interview district *Woluswal*, September, 2011.

⁷⁷ Interview district DCC *shura* member and *Malik*, September, 2011.

was denied by DCC *shura* member, but conceded that corruption can hinder proper functioning of district departments when officials start taking bribes for discharging their responsibilities. Such a department may get stigmatized and no one can attribute any fairness from it.⁷⁸ These observations throw some light on the perception of fairness enjoyed by formal and semi or informal institutions in Bati Kot district. While there were reservations expressed over the role of *shuras* and informal *Jirgas* to be biased in some of their judgements, there were lesser complaints against the formal judicial or district structures. This is perhaps due to the fact that almost 80 % of the cases are resolved through informal mechanism in Bati Kot and therefore, these bodies get more frequent opportunities to indulge in malpractice than the formal judicial structures.

Financial issues handled under patronage based influences have impacted adversely the functioning of institutions, such as DDAs. It is reported that in distribution of DDA fundings, provincial governors in some instances, unduly favoured some districts over others. The result was that unused funds relapsed to central government, creating slowdowns in implementation of capacity and development related projects in districts. In other instances, delays were created by opposition of informal actors and structures at the district level (tribal, religious leaders, businessmen and landlords)⁷⁹ who perceived of DDP reforms to be hazardous to their interests. Other reports cite DDA project selections (in development projects) influenced by Afghan Parliament members to benefit their constituencies.⁸⁰ The case of public private partnership in service provision, while paying dividends especially in the health sector, has nevertheless been criticized on a number of grounds. The NGOs often work in isolation and in want of coordination with district level service delivery institutions and as such avoid state monitoring of their activities. There are other biases, such as choosing districts to work for their relative peaceful conditions rather than on need base and hiring professionals at higher pay scales than could be afforded by the state.⁸¹ Therefore, depriving the state of expertise of valuable manpower, downgrading its service provision potential and resultantly negatively affecting the legitimacy of state building process in public eye.

The judicial department of Bati Kot presents an interesting study of the interplay of formal vs. informal, the legal plurality of the statutory, *Shariah*

⁷⁸ He suggested no undue interference in the working of district employees and timely payment of salaries and other allowances for improving district administration. Interview district DCC *shura* member and Malik, September, 2011.

⁷⁹ Kemp, Robert. (June 2012). The District Delivery Program in Afghanistan: A Case Study in Organizational Challenges. *Small Wars Journal*, 6-10. Retrieved April 2, 2013, from <http://smallwarsjournal.com/jrnl/art/the-district-delivery-program-in-afghanistan-a-case-study-in-organizational-challenges>.

⁸⁰ "UNDP, NADP, '2013 First Quarterly Project Progress Report,' 5.

⁸¹ See Saltmarsh and Medhi, 'Local Governance,' 30.

and customary law, the improvement of formal court system and the utility of the informal in dispute resolution. The *Qazi* primary court Bati Kot in an answer to the question of retention of duality of law by 2004 constitution, held the view that Section 3 of the Afghan constitution provides that no law shall be made that is repugnant to the injunctions of Islam, therefore, as a first step statutory law is enforced and only in case of non-provision by law that justice is done in accordance with the *Hanafi* school of jurisprudence.⁸² This implies that the judge consider statutory law an extension of Islamic *Shariah* law, because under the constitutions no law shall be enacted against the injunctions of Islam. Then statutory becomes *Shariah* because it does not violate the Islamic precepts. It also suggests that the *Qazis* at the district level are significantly aware of the supremacy of statutory law and accept it as such because of their conformity with conformity with injunctions of Islam. This perception of prevalence of statutory in comparison to customary law is even stronger for the DCC *shura*, who stressed the prevalence of statutory law over customary law, on the basis of constitution being a written document provided laws for dispute settlement.⁸³

Despite the acknowledgement of supremacy of statutory law, there is also recognition among the judicial personnel of Bati Kot about the importance and relevance of customary law in dispute settlement at the community level. The *Qazi* quoted Civil Law Section (2) to emphasize that where statutory law was missing and *Shariah* was silent, then judges are allowed to take recourse to customary law provided it did not violate statutes or legal orders.⁸⁴ But there is a simultaneous awareness about the negative aspects of customary law and how these clash with the constitutional rights. DCC *shura* member referred to *Baad* (a cultural tradition where women are exchanged for dispute settlement) and stressed that only in some (civil nature) cases, customary law may be honoured.⁸⁵ Implying that statutory law needed to be followed in serious criminal cases, such as, murder and when there is a danger of gender rights infringement. The *Qazi* called some customary practices un-Islamic, such as, *baad*, forcible marriage of girls, stopping girls from acquiring education, marrying girls on bride payments, etc., but stressed that these are decreasing with the passage of time as education is becoming common.⁸⁶ He also stressed that only those aspects of customary law can be utilized that are not in conflict with *Shariah* or statutory laws.⁸⁷ Such statements reflect judge's acceptance of the legal plurality culture of Afghanistan, but at the same time show their

⁸² Interview district *Qazi*, September, 2011.

⁸³ Interview district DCC *shura* member and *Malik*, September, 2011.

⁸⁴ Interview district *Qazi*, September, 2011.

⁸⁵ Interview district DCC *shura* member and *Malik*, September, 2011.

⁸⁶ Interview district *Qazi*, September, 2011.

⁸⁷ Interview district *Qazi*, September, 2011.

concern over the manipulation of such laws to the detriment of some sections of the society.

The realization of significance of statutory law notwithstanding, only about 20 % of the disputes are registered with the formal legal process in Bati Kot district.⁸⁸ One reason is that formal courts may be too remotely located for rural people to reach and get their disputes settled. In Nangarhar, estimated 90 % of civil and 70 % of killings are settled through *Jirga* or fueds without involving the formal authorities.⁸⁹ Nixon, mentions corruption, and lack of qualified judges to apply both *Hanafi* and *Jafari* jurisprudence for reasons that discourage people to take recourse to formal court system.⁹⁰ But use of formal court system is a question of availability too. The *Qazi* in Bati Kot held that since Afghanistan was an Islamic country and its judicial system was in conformity with Islamic *Shariah*, therefore, people expect that all civil and criminal cases could be settled through official judiciary and courts.⁹¹ This is a testament that the question of availability of formal court system is a very relevant issue. The findings of a study on linkages between traditional and formal local government bodies in provinces of Kunduz, Nangarhar and Uruzgan, suggest that such interaction and its success was highly context specific, dependent on strong political will on both sides and required clarity in their roles of justice provision. The local resistance to approaching formal court system resulted from privacy norm in family disputes, fears of losing materially in land disputes and concerns over penal punishments in cases of criminal ones. But again, the locals also entertained reservations over referring both family and criminal disputes to even community *shuras*.⁹²

The *Huqooq* department chief in Bati Kot cited more practical concerns, such as time factor; people shy away from formal system because these take more time in deciding on cases than the *Jirgas* which decide in a shorter time and on the basis of compromise between parties. He further mentioned two problems in the effective enforcement of formal legal decisions-lack of security and biases in favour of one of the parties during dispute settlement.⁹³ The district *saranwal* (prosecutor), while insisting all criminal cases should be decided by formal courts in the light of state's criminal laws, agreed that since majority of cases were settled outside formal court

⁸⁸ Interview district DCC *shura* member and *Malik*, September, 2011.

⁸⁹ See Nixon, 'Subnational State Building,' 27.

⁹⁰ See Nixon, 'Subnational State Building,' 27.

⁹¹ Interview district *Qazi*, September, 2011.

⁹² See Gaston, Erica., Sarwari, Akbar., & Strand, Arne. (April 2013). Lessons Learned on Traditional Dispute Resolution in Afghanistan. Building Peace, Practical Innovations from USIP, Building Peace no. (3). Retrieved May 2, 2013, from <http://www.usip.org/files/ROL/TDR.pdf>.

⁹³ *Huqooq* department head also noted partiality in dispute settlement by formal courts. Interview district *Huqooq* department head, September, 2011.

mechanisms, it was proving less burdensome on the district's formal judicial capacity.⁹⁴ For improving formal judiciary's service provision, *Qazi* stressed Judge's impartiality in dispensing cases, clean perception among the public, decision over cases in a fixed time period and formal recording of all decisions.⁹⁵ On improving the performance of community based dispute resolution mechanisms, he suggested official recording and recognition of their decisions by formal court system, when it did not violate Islamic *Shariah*, dispute resolution by elders in an impartial manner and their appointment in the council with disputing parties consent, so that they would honour its decisions.⁹⁶ These mature assertions imply that the judicial staff was well aware of the deficiencies of the formal and the informal dispute resolution mechanisms. The principle of impartiality is well understood in formal court dealings and the weaknesses of the informal in practicing anti-*Shariah* judgments in the informal bodies are also duly criticized.

This section argued that the informal is pervasively influencing the formal in sub-national administration, including Bati Kot. There were several manifestations of that and in many examples, their linkages served the goals of state building. But this happened in specific conditions and when the goals of both formal and informal were complimentary rather than conflictual. For example, the instances where Bati Kot district elders cooperated with district administration in forwarding state building goals of extension of health, educational and security services to the local population, formal and informal worked in tandem to promote state building objectives. But in cases, where powerful groups influenced appointments and interfered with district administration functioning, the formal informal goals were non-complimentary and harmed the attainment of desired objectives. In such cases, their linkages worked to harm the state building process, especially in patrimonial appointments and biased dispute resolution by formal and informal bodies.

Why the Scope of Informal increases at the Sub-national District Level?

As formal administration trickles down to sub-national levels, it gets thinner and the thinner the administration gets, the more there is emphasis on the role of informal actors and structures in local governance.⁹⁷ The various

⁹⁴ The problems faced by public prosecutor in preparing cases involved, lack of security and facilities for coordination, which hampered preparation of judicial cases. Interview based on written questions from Bati Kot district *Saranwal*, September 14, 2011.

⁹⁵ Interview district *Qazi*, September, 2011.

⁹⁶ Interview district *Qazi*, September, 2011.

⁹⁷ At the village level (lowest tier not yet formally organized), the village council (under SNGP) is supposed to duplicate as village administration.

formal rules and regulations concerned with sub-national governance, such as the SNGP, give a wide space to the informal by not only recognizing their role but also their utility in managing governance at the sub-national level.⁹⁸ It provides for the district council to have regular consultation with *shuras* and *Jirgas*, greater community control over development funds, their planning and budgeting, information sharing with local community structures, ensuring community participation in management of natural resources and effective complaints handling by the formal administration to satisfy community complaints.⁹⁹

As for the question of what makes the district head perform functions, which are not expressly provided by law, it can be argued that historically and by function of geography, the system of governance has followed a decentralized trend in Afghanistan, where the peripheral districts and provinces were in many respects independent in the conduct of their governance functions. The long civil war, wherein local commanders managed to develop a hold over illicit trade in narcotics, minerals etc., gave them the economic wherewithal to legitimize their power. In post 2001 period, many have been appointed governors, which empowered them to monopolize appointments in their districts and in some cases, provide even salary and equipments to government employees.¹⁰⁰ The slow and ambiguous reform implementation in public sector, especially in the appointment of qualified personnel, meager salaries and low resources for problem solving has further strengthened the de facto control over formal state structures.¹⁰¹

Not only as a function of history, but the various rules and regulations give very wide scope of functioning to some district authorities, especially the district *woluswal*, which in turn increases his engagement in informal means of governance. The district *woluswal* as the focal person is entrusted with the responsibility of handling the executive, administrative, security related, economic planning and development and social responsibilities of the district. The nature of his powers and responsibilities take up a good 15

⁹⁸ It gives them the name, "Civil society organizations" (CSOs) and includes in it, *shuras*, councils, media, *maliks*, *arbab*, *qaryadar*, *khan*, *Rish-i-safid*, *malik-i-guzar*, *kalantar*, *ulema*, *mullah*, *arbakai*, *qumandan* and communities. See 'Sub-national Governance Policy,' 150.

⁹⁹ See 'Sub-national Governance Policy,' 257-60.

¹⁰⁰ For example, revenues from Daulatabad saltmines in Faryab were a source of income for one of General Dostum's commanders and revenues from lapis lazuli mines from Badakhshan for Northern alliance commanders. See Lister, Sarah., & Wilder, Andrew. (2005). Strengthening Sub-national Administration in Afghanistan: Technical Reform or State Building? *Public Administration Development* (25), 39-48.

¹⁰¹ Lister and Wilder, call these complex political dynamics that confuse the boundaries between de jure and de facto and fail technocratic efforts at state building See Lister and Wilder, Strengthening Sub-national Administration,' 39-48.

pages in the SNG Policy, including besides the above, coordination among district line departments and its council for planning and administration, narcotics control, promotion of Islamic virtues, liaison with civil society groups, maintenance of law and order and promoting gender related policies in the district.¹⁰²

The persistence of informal especially in the case of district appointments despite attempts at streamlining the same along formal lines may also be attributed to past governance practices or legacies. One instance is when Provincial Governor's or *wali's* consent is sought before appointing relevant district governors. The SNGP by declaring the district governor's post as that of a civil servant proposes appointments through examination. And though the Bati Kot *woluswal* had been appointed through a system of examination, however, even he considered *wali's* consent necessary by logic of being a political boss of the province.¹⁰³ This is seemingly contradictory to efforts at promoting merit based system for *woluswal's* appointment.¹⁰⁴ But at the same time, it is also reflective of past legacies continuing into the present system, because under previous regimes, appointment of district and provincial governors had been an executive prerogative.¹⁰⁵ Another form of informal influence in appointments is witnessed within the district itself. The district governor is officially not empowered to meddle in appointment of district line department heads, but as reported by Bati Kot *woluswal*, his consent was viewed favourably when appointments are made in filling district line department heads.¹⁰⁶ Again, not specifically empowered to undertake transfers or removals of public officials at the district level, Bati Kot *woluswal* described enjoying the power of requesting change of district officials, who were not (in his opinion) discharging their duties in accordance with rules and request instead for more capable staff in their place.¹⁰⁷

¹⁰² See 'Sub-National Governance Policy,' 134-147. *Woluswal's* powers even overlap with district police chief's responsibility of maintaining law and order and the police chief reported responsibility to the district *woluswal* as well as to the *Wilayat's* Police Chief for discharge of security related tasks at the district level. Interview district Police Chief, September, 2011.

¹⁰³ Interview district *Woluswal*, September, 2011.

¹⁰⁴ The positive opinion about consent of the political boss in *woluswal's* appointment perhaps is an indication that technocratic practices of examination will take some time before being accepted as the only system for appointments.

¹⁰⁵ It is also a desire perhaps to keep a level of understanding with the provincial governor, because lack of financial and administrative devolution makes the Provincial Governor a very strong candidate for influencing district level matters and this dependence on *wali* is translated into controlling district *woluswal's* appointment.

¹⁰⁶ Interview district *Woluswal*, September, 2011.

¹⁰⁷ Interview district *Woluswal*, September, 2011.

Conclusions

To conclude, this paper argued that conflict societies are characterized by informal, fragmented and traditional governance structures, such as *Jirgas* and also informal practices, such as patrimonialism, clientelism and patronage politics. Paucity of knowledge on the part of state builders on such institutions and their working leads to the introduction of technocratic exercises that either fail to take hold in the society, or lead to informal creating linkages with and influencing the technocratic to its benefit. Depending on their incompatibility or utility to one another, the formal/informal interaction may be termed as accommodationist; functional or complementary; dysfunctional or competitive; and substitutive.

In Bati Kot district, strong linkages were found between the formal and the informal. It had various manifestations: *woluswal* as the district gatekeeper performed functions including dispute resolution, which are not informed by law; district *shuras*, including the DDA and the DCC, engaged in dispute resolution functions, informally communicated decisions and directives of the government to the people and helped the district police maintain security in their areas; community elder's were involvement in securing peace by providing help to the district police; elders participated in development functions through support to educational programmes, especially for girls, and communicated to the public information on health related government projects and stressed on the people to avail of them; primary court judge or *Qazi*, though not formally empowered to do so, referred cases to the *Jirgas* and *shuras* for settlement, especially civil cases; and *Shura's* (DCCs) judgment on disputes were registered with the primary court and used by its judge as a reference in future cases.

The study of whether formal/ informal interactions and linkages serve the state building purposes in a positive manner or works instead to harm or inhibit it, provide a complicated picture in the Bati Kot district. The case of CDC's functioning at village level in Bati Kot show the functional or complementary form of formal/ informal relationship. This is because these CDCs have integrated community elders into the task of identifying development needs of their communities and in using the funds to carry out the development tasks. These enjoy a good reputation for being able to reach the grassroots community levels and initiating development projects with rural elder's help and participation. Another functional and complementary example is that of district health and education departments engaging the community elders in supporting the cause of education and in resolving district health problems by communicating to the people, information from the government's side about diseases, their prevention and cure. The District Education Officer, even reported a positive role of elders in supporting girl's education in Bati Kot and in placing requests for schools on behalf of the

locals to the concerned authorities. The elders also helped out the district police in improving security in Bati Kot.

The interplay of formal with the informal also influences negatively the goals of state building in Bati Kot. It is paradoxical. When top down fails to get assimilated in bottom up, ills are generated, such as, rent seeking, corruption. But such ills may also be generated when it gets assimilated. The case of patronage based appointments among lower grade officials is one example of informal negatively influencing the formal. The officials at Bati Kot complained of undue external interference in the working of district administration, which was negatively affecting their working. The linkage between the formal and the informal in the judicial sector was also resulting in corruption and relationship based influences on dispute settlement, especially by the *shura*/council members. There were also reservations expressed against the role of even community based structures, such as the council of elders (*Jirgas*) for being biased in favour of one party against the other. This implies that the general impression about their impartiality may not stand true in dispute resolution issues. The formal and the informal in short are locked in a struggle for control and in such a contestation, the informal at times (in specific contexts and under appropriate policies) helps to serve the state building purposes and on others, it badly complicates the state building goals.

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PIPELINE POLITICS IN CENTRAL ASIA: PARADOX OF COMPETITIVE/ COOPERATIVE RELATIONS BETWEEN THE UNITED STATES, RUSSIA AND CHINA

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Abstract

Energy rich Eurasia, since the breakup of former Soviet Union has been a battle ground for control over the vast regional energy resources' production and transportation. This reality leads to a competitive environment between the United States, Russia and China while on the other hand it also forces these countries to cooperate at different times of period since 1991. This competitive/cooperative paradox of relations has been an important aspect of energy and pipeline politics. This article focuses on the competition as well as cooperation between Russia, China and United States in energy pipelines in Central Asia as these pipelines are key to influence. The paper presents an overview of the policies of these three states regarding energy resources and the developments made in energy transportation since the breakup of Soviet Union. One of the main findings of the paper is that China has made major headway regarding the energy pipelines in Central Asia, cracks have appeared in Russia's historical influence in the energy sector of Central Asia while American influence is still limited and may decline particularly in the face of withdrawal from Afghanistan.

Key Words: Central Asia, oil, gas, pipelines, Russia, China, USA

Introduction

Energy consumption has increased globally. Different reasons such as population growth, industrialization, modern technology, are cited by the

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researchers. Four major energy consumption factors are population growth, improved living standards, modern science and technologies, and each country's unique conditions.¹ All nations of the globe, developed or developing, rich or poor, are desperate for energy because its availability and prices shape lives of common people. Energy rich countries are heavily dependent on its export to earn foreign exchange while the energy deficit states are equally desperate for energy to keep the economy floating. Major world powers are major energy consumers and therefore they are not only dependent on its imports but also desire to control its transportation to further global/regional influence and world-power status. As competition grows for increasingly scarce commodities like oil and gas, the strategic calculations of major powers and developing countries alike place more prominent emphasis on the extraction and transportation of energy products. According to International Energy Agency the global energy demand by 2030 will increase by 50 percent approximately.² Thus there will be global energy strains in the near future and supply will be depleted. The Shale boom also looking temporary. Arthur Berman, a geologist, as quoted by Alexi Crow, is of the view that Shale may provide the USA with only 14 years supply of natural gas.³ Likewise with low international oil prices Shale energy becomes irrelevant as the production cost of Shale oil for instance is around \$100/barrel in North Dakota's Bakken Shale and Texas' Eagle Ford Shale, in comparison to \$10/barrel in Middle East.⁴ This means new reserves must be discovered, controlled and developed. So the world has entered into a Geo-Energy Era where energy security mainly determines inter-state affairs and plays a decisive role in shaping competitive and cooperative relations among states.⁵

Region of Central Asia is undoubtedly rich in natural resources like oil, gas and coal.⁶ Importantly the domestic populations of Central Asian Republics (CARs henceforth) are very low which means less consumption

¹ Shiro Kadoshin Takashi Nishiyama, Toshihide Ito, "The trend in current and near future energy consumption from a statistical perspective", *Applied Energy* Volume 67, Issue 4, 1 December 2000, retrieved from <http://www.sciencedirect.com/science/article/pii/S0306261900000337>, accessed on 23/09/2014

² University of TWENTE, retrieved from <http://www.utwente.nl/mesaplus/nme/Introduction>, accessed on 03/09/2014

³ Alexis Crow, "Falling Oil Prices Reveal America's Fracking Trap—And Saudi Arabia's Continued Energy Dominance", posted on 11/04/2014, retrieved from www.huffingtonpost.com/alexis-crow/america-fracking-saudi-oil_b_609142.html, accessed on 02/03/015

⁴ Ibid

⁵ Salman Rafi Sheikh, "Evolving Strategic Competition in the Indian Ocean", April 16, 2013, retrieved from <http://www.iranreview.org/content/Documents/Evolving-Strategic-Competition-in-the-Indian-Ocean.htm>, accessed on November 17, 2014

⁶ The two Central Asian Republics i.e. Kyrgyzstan and Tajikistan are energy resource poor.

of energy resources' nationally and availability of huge surpluses for export. Kazakhstan, Uzbekistan and Turkmenistan are well known for the large deposits of hydro carbon resources. Oil and coal are enormously found in Kazakhstan while substantial gas reserves in Turkmenistan and also in Uzbekistan. Oil reserves are tallied from 50 bbl to 200bbl by different sources. Daniel Yergin puts the Central Asian oil reserves at the bottom i.e. 50bbl. John Maresca, the Vice President of the Unocol, which has merged into Chevron, reports proven oil reserves of the region above 60bbl while Strobe Talbott the former Assistant Secretary of State projected the oil potential of Central Asia as far 200bbl.⁷ Turkmenistan own 4.5% of world natural gas reserves, with 500 million of barrels of oil. Uzbekistan also holds substantial gas reserves with large deposits of uranium, gold, lead and copper. Kazakhstan has 3% of world's oil, 4% coal, 15% uranium with largest world reserves of chromites, zinc and lead and among top ten countries in the world that supplies, goal, copper, iron ore and manganese.⁸ Turkmenistan ranks fourth after Russia, Iran, and Qatar in world as far as its gas reserves are concerned.⁹ The Economist Intelligent Unit has estimated 10 trm of gas while Turkmenistan official statistics estimate 13 trm of gas reserves which put Turkmenistan on fourth position in the world regarding gas reserves.¹⁰ In Kazakhstan, Eighty-three deposits contain natural gas, though only 17 of those are exclusive gas reserves and the remaining are oil and associated gas reserves.¹¹ Beside coal, gas and oil, the region is also rich in copper, zinc, silver, gold, uranium and mercury are only few to mention.¹² The importance of Central Asia region has increased not only because of energy resources but also due its location at center of Eurasia - linking Europe and Asia - and independent foreign policies of the regional states since 1991.¹³

⁷ Imran Khan, Central Asia: Energy Pipelines or Economic Lifelines?, posted in Asia, December 16, 2005, retrieved from www.gasandoil.com/news/central_asia/b8c080c0ee0b939bd84fa22508f785b2 accessed on 02/03/2015.

⁸ The Scramble for Natural Resources in Central Asia, Money Morning, 19th January, 2012, retrieved from <http://www.moneymorning.com.au/20120119/the-scramble-for-natural-resources-in-central-asia.html>, accessed on 13/09/2014.

⁹ James Fishelson, "From Silk Road to Chevron: The Geopolitics of Oil Pipelines in Central Asia", 2007, retrieved from http://www.sras.ogr/geopolitics_of_pipelines_in_centralasia, accessed on October 31, 2014.

¹⁰ Ibid.

¹¹ James P. Dorian, "Central Asia: A major emerging energy player in the 21st century", Energy Policy, 34 (2006).

¹² Iraj Bashiri, Central Asia: An Overview, 1999, retrieved from <http://www.angelfire.com/rnb/bashiri/CentAsia/CentAsia.html>, accessed on 23/09/2014.

¹³ Fahim Masoud, "Central Asia: A Region of Strategic Importance to China", *International Policy Digest*, March 12, 2014, retrieved from <http://www.internationalpolicydigest.org/2014/03/12/central-asia-region-strategic-importance-china/>, accessed on 25/09/2014.

Access and control over energy and its transportation has been shaping and re-shaping geo-political relations of Russia, China and USA in post-Soviet period while oil and gas have been used as tools for leverage in international politics. With the breakup of former Soviet Union, a vacuum created in the energy rich post-Soviet Central Asia and major energy consuming states started looking towards Central Asian hydrocarbons as a major supply source by filling that political space. All the major world powers, regional and extra-regional, in general and US, Russia and China in particular focused to expand relations with this region, keeping in view their own interests. This geopolitical competition of the troika: US, Russia and China and many other states have been termed as the New Great Game by a number of analysts and researchers. The term Great Game was coined by Arthur Connolly (1807-1848) for the 19th century diplomatic and intelligence warfare between Tsarist Russia Great Britain in Central Asia. However Rudyard Kipling (1865-1936) fictionalized it in his famous novel *Kim*.¹⁴ In the New Great Game or Energy Game America has replaced Great Britain while China has joined it with many other new players. Russia still hosting the Great Game as an old player and enjoying it with historical influence in the region. Besides, the forces interested in having access to the region's energy resources in this New Great Game also involve transnational corporations, cross-border carriers of political Islam, drugs, weapons, and NGOs interested in human rights and democracy on behalf of major powers (states).¹⁵

Since the breakup of former Soviet Union, mainly two groups have emerged for the geopolitical supremacy in shape of pipeline i.e. US and EU against the strategic rivalry of Sino-Russian partnership. During the last two decades except the Chevron and BP nominal shares in Kazakh oil field the rest is history of the competition between US and Russia on one hand and cooperation between Russia and China on the other. For Russia and China the Central Asian hydrocarbon resources loom large at the corner stone of their common initiatives even if they have competing goals in the region.¹⁶ However there is a potential of disagreement between the US and EU as well as between Russia and China regarding the pipeline issues in the region and that's why there is no complete lack of scope for reconciliation and collaboration among competing states. Therefore the pipeline power game is characterized by a spectrum of competitive-cooperative relations between the three major players Russia, China and USA. According to Tazhin

¹⁴ Abdul Hamid Khan, "The Great Game in Kipling's Works" PhD dissertation submitted to Area Study Centre, University of Peshawar, 2014.

¹⁵ Amineh, M.P., "Globalization, Geopolitics and Energy Security in Central Eurasia and the Caspian Region". The Hague: Clingendael International Program. 2003.

¹⁶ Vladislav Savin and Chong-Shin Ouyang "Analysis of Post-Soviet Central Asia's Oil & Gas Pipeline Issues", *Journal of Eurasian Affairs*, 2013, retrieved from <http://www.geopolitica.ru/en/article/analysis-post-soviet-central-asias-oil-gas-pipeline-issues#.VFifwqPxtkg>, accessed on 04/11/2014.

“World powers and groups of states are active in developing a strategy of action toward the Central Asian states, as evidenced by the United States’ “Greater Central Asia” concept and the Russian and Chinese concept of Central Asia as their backyard”.¹⁷

In this New Great Game, the designs are same to further global domination, influence and power as were during the 19th century Great Game but the players are changed or roles of the players have changed. The global domination or influence in this case means control over the resources, supply lines, new transit routes, marginalize the rivals and cooperate with more friendly states. In this context the paper is an effort to provide evidence-based analysis from the available literature on the pipeline politics in Central Asia during the period of 1992-2014. Each of the three major players; Russia, China and USA, is discussed briefly in relation to its influence and role in energy transportation.

Pipeline Politics: Conceptual Frame Work

The concept of pipeline politics is derived from the political competition and cooperation particularly between Russia, China and USA over Central Asian energy and its transportation (pipelines) to major markets. Energy pipelines are definitely key to regional and global influence over foes and friends. In this energy centric world, power and influence reside with those who have control over energy resources and its distribution i.e. pipelines. Keeping in view the amount of current and future energy use, natural resources transportation through sea, road and rail is expensive, dangerous and almost unfeasible for mass quantity. Further there are landlocked areas like Central Asia which does not have any direct access to sea and most economical option available for energy transportation is through pipelines. For Central Asia, therefore the only technically viable mode of oil and gas transportation to global markets is pipelines. Pipelines are useful to transport liquids, gasses, bio fuels and oil to world distant markets which are cost effective and more reliable. Major energy consuming states have to import oil and gas from distant areas through thousand kilometers long pipelines. However such kind of transportation not only involves mountains, deserts and seas but also crosses many international borders at times and resultantly come across with social, economic, security and political issues. Therefore pipeline politics have been referred, in this case, to the activities of governments (Russia, China and USA) concerning political relations between them and other regional states regarding energy transportation from Central Asia.

¹⁷ Marat Tazhin, “The Geopolitical Role of the Main Global Players in Central Asia”, *American Foreign Policy Interests*, 30, 2008., p. 63, retrieved from <http://ncafp.org/articles/08%20the%20geopolitical%20role%20of%20the%20main%20global%20players%20in%20central%20asia.pdf>, accessed on 05/11/2014.

Paul Stevens identified three types of pipelines. According to him “there are three kinds of pipelines for energy transportation i.e. Domestic, Cross-border and Transit. The main factor of differentiation among these pipelines is the nature of governing jurisdiction. Domestic pipelines are under a single national jurisdiction. Cross-border pipelines directly link producer country with consumer state and the agreement on terms of trade is bilaterally concluded. Transit pipelines cross a third country for access to market and the terms and conditions including transit fee are enshrined in an agreement among the producer, transit and consumer parties”.¹⁸ The region of Central Asia encompasses all three types of pipelines which may be termed as domestic, regional or intra-regional and inter-regional.

According to Laurant Ruseckas “to be sure, the struggle for power and influence in Caspian region has taken many forms: military, diplomatic, economic and cultural. But for whatever reason, pipeline politics has emerged overtime as the central playing field for geopolitical competition in the area”.¹⁹ The pipelines diplomacy of Central Asian states have many barriers like its land locked geography, growing competition, dependency on transit countries, poor infrastructure, early investment and physical security of pipelines.²⁰ Energy policies of the troika i.e., Washington, Moscow and Beijing focus on access to oil and gas and construction of energy pipelines from Central Asia is central to their grand strategies. Grand Strategy has been defined as a state’s role in the world.²¹ The scenario is not as simple as it appears. In post-Soviet era, there are multiple decision making centers for pipeline issues in contrast to the single rule-setting authority during Soviet period. These multiple decision making sovereign states, their dependence on developed states for capital and technology and dependence on transit states for transportation all make the issue of energy pipelines more complicated.

Sander Hansen has mentioned two issues related to pipeline politics in the Caspian region: Firstly, “the uncertain legal status of Caspian sea”²² where the littoral states, Russia, Iran, Azerbaijan, Kazakhstan and

¹⁸ Paul Stevens, “Oil and Gas Pipelines: Prospects and Problems in Pipeline Politics in Central Asia: The Intersection of Demand, Energy Markets and Supply Routes”, The National Bureau Of Asian Research, Special Report No 23, September 2010.

¹⁹ Laurent Ruseckas, “US Policy and Caspian Pipeline Politics: The Two Faces of Baku-Ceyhan”, no date, retrieved from http://belfercenter.ksg.harvard.edu/publication/2263/us_policy_and_caspian_pipeline_politics.html, accessed on 6/11/2014.

²⁰ The Other Energy Superpower: Central Asia? (Part II of II) October 18, 2011, Energy In Asia, retrieved from <http://energyinasiablog.com/2011/10/the-other-energy-superpower-central-asia-part-ii-of-ii/>, accessed on 7/11/2014.

²¹ Thomas Ambrosio, *Challenging America’s Global Preeminence* (England: Ashgate Publishers, 2005) p: 2.

²² Sander Hansen, “Pipeline politics; The struggle for the control of the Eurasian energy resources”. The Hague: The Clingendael, April 2003., p. 3.

Turkmenistan have no legal framework about the utilization of energy deposits in the Caspian Sea. The geographical boundaries of the sea have to be demarcated.²³ This can lead to any future escalation of conflict among the littoral states. Secondly, the dependency of Eurasian states on the developed countries due to the lack of funds and technology. As hydrocarbon exploitation sector needs advance technology, capital, expertise and transportation, which they can get from western countries.²⁴ On the other hand neighboring Russia and China have also accumulated vast experience and technology in oil and gas production and transportation and both are in competition with the West for the regional energy and its transportation.

PROPOSED BORDERS ON THE CASPIAN SEA



Source: "Storm in a precious teacup", *The Economist*, 2 August 2001 cited in Sander Hansen in *Pipeline politics: The struggle for the control of the Eurasian energy resources*. The Hague: The Clingendael, April 2003., p. 33.

²³ Ibid.

²⁴ Ibid., p. 4.

Beside these the author has also mentioned some other related issues which do have impact on energy pipeline politics in the Eurasian region. Like, globalizations, connectivity between politics and economy, increasing role of non state actors, blurring of national and international politics, and growing interdependence. Furthermore the growing demands of oil and gas and potential for investment in energy exploitation sector.²⁵

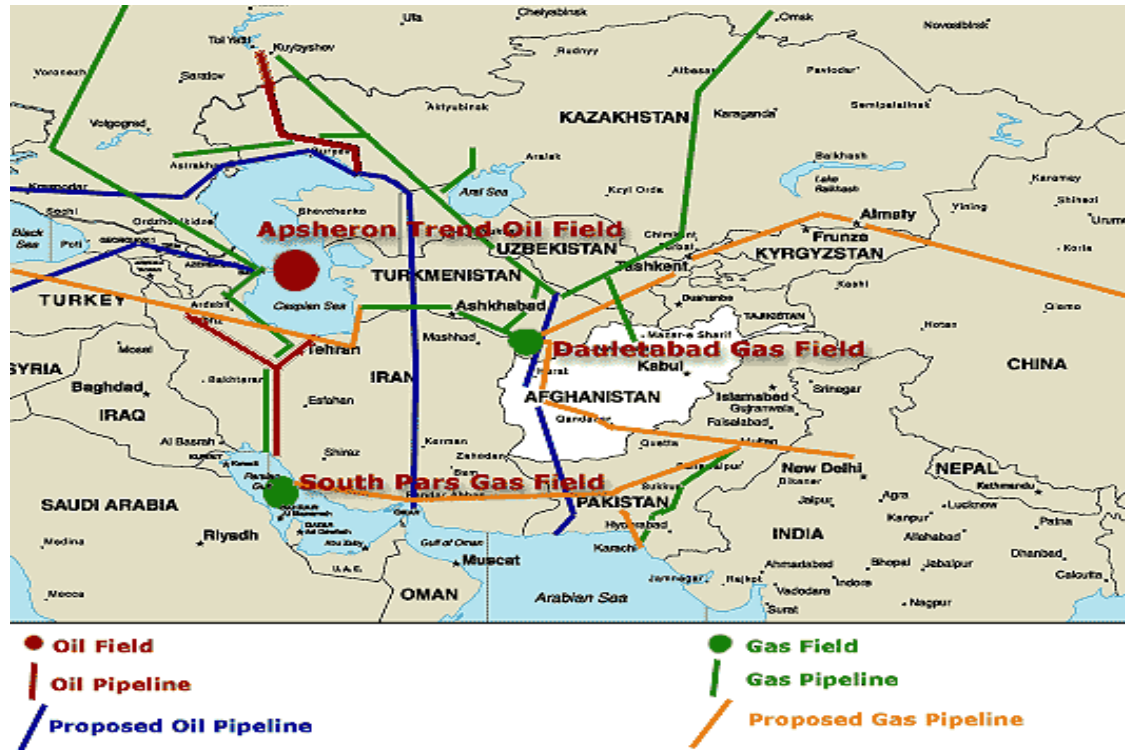
The so far emerged and emerging pipeline routes from the region are as following:

1. North-West Route: Favored by Russia: Traditionally energy resources from Central Asia moved in north-western direction through Russian territory. The Soviet Central Asia pipelines system has been developed by Soviet Russia when the area came under the control of former Soviet Union. The energy transportation structure was built in a North-west direction during the Soviet era. Pipelines infrastructure was built in such a way that all kind of pipelines, like electricity, gas, oil, rail and water make contact with Russia.²⁶
2. Western Route: From Caspian to Ceyhan (Turkey) backed by US and EU.
3. Southern Route: Through Iran to Persian Gulf region opposed by US.
4. Eastward Route to China: favored by China.
5. South-eastern Route from Turkmenistan, Afghanistan to Iran, Pakistan and India.²⁷ Favored by USA.

²⁵ Ibid, p. 6- 21.

²⁶ Leonard L. Coburn, "Central Asia: Pipelines are the New Silk Road", International association For Energy Economics. P.19, retrieved from https://www.google.com.pk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CBsQFjAA&url=https%3A%2F%2Fwww.iaee.org%2Fen%2Fpublications%2Fnewsletterdl.aspx%3Fid%3D113&ei=WFJcVMf_LNDvaLq3gOgF&usg=AFQjCNGRmq9nUhSvd0Dq5388cKrB-DOE9g&bvm=bv.79184187,d.d2s, accessed on 25/11/2014.

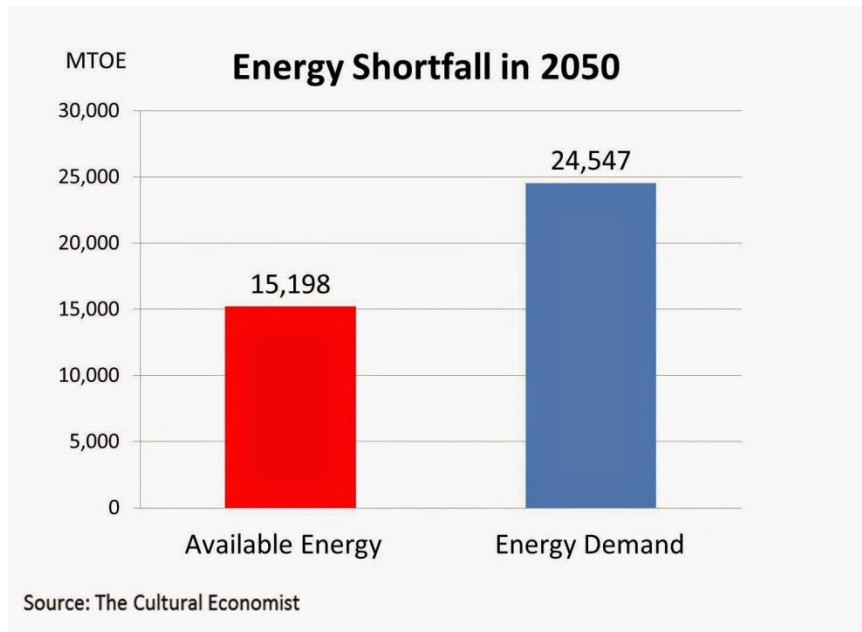
²⁷ "Pipelines Politics: Oil, the Taliban and the Political Balance of Central Asia", retrieved from <http://worldpress.org/specials/pp/pipelines.htm>, accessed on 27/11/2014.



Source: Pipelines Politics: Oil, the Taliban and the Political Balance of Central Asia. <http://worldpress.org/specials/pp/pipelines.htm>

USA, China and Russia Energy Consumption in 2050

It is predicted that by 2050 there will be a huge gap between energy supply and energy demand. Following graph describes the energy shortfall situation.



Source: The Cultural Economist 6th May 2014.
<http://tceconomist.blogspot.com/2014/05/peak-energy.html>

Population Projections by U.S. Census Bureau				
2011 Rank	Country	2011 Population Estimate	2050 Population Estimate	2050 Rank
1	China	1,336,718,015	1,303,723,332	2
2	India	1,189,172,906	1,656,553,632	1
3	United States	311,050,977	422,554,384	3
4	Indonesia	245,613,043	313,020,847	5
5	Brazil	203,429,773	260,692,493	8
6	Pakistan	187,342,721	290,847,790	6
7	Nigeria	165,822,569	402,425,535	4
8	Bangladesh	158,570,535	250,155,274	9
9	Russia	138,739,892	109,187,353	16
10	Japan	127,469,543	107,209,536	17
11	Mexico	113,724,226	147,907,650	11
12	Philippines	101,833,938	171,964,187	10
13	Ethiopia	90,873,739	278,283,137	7
14	Vietnam	90,549,390	111,173,583	15
15	Egypt	82,079,636	137,872,522	13
16	Germany	81,471,834	71,541,906	21
17	Turkey	78,785,548	100,955,188	18
18	Iran	77,891,220	100,044,564	19
19	Congo (Kinshasa)	71,712,867	144,805,434	12
20	Thailand	66,720,153	69,611,256	26
21	France	65,102,719	69,768,223	25
22	United Kingdom	62,698,362	71,153,797	22
23	Italy	61,016,804	61,415,852	29
24	Myanmar (Burma)	53,999,804	70,673,160	24
25	South Africa	49,004,031	49,400,628	37

Source: Population Forecast: India to Overtake China by 2025 – June 29, 2011.
<http://www.2point6billion.com/news/2011/06/29/population-forecast-india-to-overtake-china-by-2025-9640.html#sthash.idsfMicm.dpuf>

As far as US energy consumption is concerned, it is projected that coal, natural gas and oil will dominate the US energy mix in 2050.²⁸ In residential, industrial, commercial and transportation sectors, the use of coal, oil, natural gas, will increase and thus the gap between energy consumption and

²⁸ Bruce Tonn Paul Frymier, Jared Graves and Jessa Meyers, “A Sustainable Energy Scenario for the United States: Year 2050”, *Sustainability* 2010, 2, p 3658.

production in US will rise by 46.43 percent in 2050.²⁹ While coal dominates the electricity and oil/liquid dominate the transportation sectors in USA in the years 2050.³⁰ China is the leading consumer of energy resources in the world. It is estimated that by 2050 China's population will rise to 1.41 billion. This means more houses, vehicles, food and other energy related services.³¹ Furthermore it means China is more industrialized and urbanized with more consumption of energy resources. Russia's Energy sector plays an important role in the national development. It has second largest coal and eighth largest oil reserves of the world and ranked as third largest energy consumer country,³² with world largest proven gas reserves. Oil, gas and coal are its major export items. Russia has surpassed Saudi Arabia recently and became world largest oil exporter. If one looks for the future demand of energy resources, it is clear that mentioned countries would be in a dire need to tap more energy reserves and it is believed that the energy issues of the present century can be overcome by the reserves in Central Asia and Caspian region. It is agreed upon that Russia, Iran and Central Asia would be the major energy supply sources particularly for the growing Asia in the current century.

Competition For Energy Pipelines In Central Asia

US in the Pipeline Politics

Central Asia is important to USA, because of its proximity with major world players like China, Russia, Afghanistan, Pakistan, Turkey, Iran, hydrocarbon reserves of the area and security issues. Ariel Cohen identified three US interests in Central Asia, "security, energy, and democracy"³³ Further the energy reserves of Eurasian region can reduce US dependency on OPEC energy reserves. US desired to reduce the Russian monopoly over the energy pipelines system and also wanted to curtail the future growing

²⁹ Ibid.

³⁰ Ibid. p, 3659-3660.

³¹ Nan Zhou, David Fridley, Nina Zheng Khanna, Jing Ke, Michael McNeil, Mark Levine, "China's energy and emissions outlook to 2050: Perspectives from bottom-up energy end-use model", *Energy Policy*, Volume 53, February 2013, Pages 51–62.

³² EIA [Energy Information Administration], 2008: International Energy Outlook 2008, Energy Information Administration, U.S. Department of Energy, Washington, DC. cited in Sergey Paltsev, John Reilly and Natalia Tourdyeva, Russia and the World Energy Markets: Long-term Scenarios Massachusetts Institute of Technology (MIT), Cambridge, USA and Center for Economic and Financial Research (CEFIR), Moscow, Russia, retrieved from http://globalchange.mit.edu/files/document/Paltsev_GTAPconference_2009.pdf. p., 2. accessed on 27/2014.

³³ Ariel Cohen, "U.S. Interests and Central Asia Energy Security", Background, No. 1984, November 15, 2006. p., 1.

influence of China in the same sector. BTC oil pipeline which runs from Azerbaijan, Georgia and Turkey has been shepherd by US.³⁴

Sir Halford Mackinder in 1904 delineated his famous Heartland Theory. He argued: "Control of the Eurasian landmass (Europe, Asia and the Middle East), which contained the bulk of the world's population and natural resources, was the major geo-political prize".³⁵ Nicholas J. Spykman modified this heartland theory in 1942 and said that who controls the Eurasian landmass controls destinies of world.³⁶ Zbigniew Brzezinski who remained National Security Advisor to US government from 1977 to 1981 has also emphasized the importance of Eurasia in his book 'The Grand Chessboard: American Primacy and its Geostrategic Imperatives' published in 1998. According to his theory control over Central Asia and Afghanistan is the key to have control over Eurasia.³⁷ This also means that the world actors who control the heartland will control the politics and economy of the world. The present century draw attention to the energy resources of the Eurasian land mass. Right now the term used is the New Great Game. It's the geopolitical competition between US, China, Russia and many other world powers to dominate the hydrocarbon reserves of the region because the pipeline routes selected from Central Asia and Caspian region would determine the region's orientation.

US apparently followed this theory to be physically present in the region, started freedom enduring operation in Afghanistan in 2001 to use it as a springboard to enter Central Asia and ultimately access to the regional energy resources. US with the European backing aimed at diversifying energy transportation routes from Central Asia to break the historical Russian monopoly over energy transportation developed during the Soviet era in north-south direction.³⁸ Western companies investing in energy sector of Central Asian region, like USA's Chevron and British Petroleum (BP) were eager to take advantage of the Central Asian energy but had to be dependent on existing Soviet pipelines infrastructure for oil and gas transportation.³⁹ US initially during the 1990s focused on eliminating or

³⁴ Edward C. Chow and Leigh E. Hendrix, "Central Asia's Pipelines: Field of Dreams and Reality", The National Bureau of Asian Research, NBR Special Report No 23, September 2010, p. 33.

³⁵ "The New New Great Game: Geography, Energy, the Dollar and Gold", *Strategy*, December 2013., p. 3 retrieved from <http://www.zerohedge.com/sites/default/files/images/user5/imageroot/2013/12/the%20New%20New%20Great%20Game.pdf>, accessed on 25/11/2014.

³⁶ Shabir Ahmad Khan, "Dynamics of Trade Corridors and Energy Pipelines' Politics", pp: 71-90 in *Pakistan's Strategic Environment: Post 2014*, (Islamabad Policy Research Institute, 2014), p: 79.

³⁷ Ibid.

³⁸ Leonard L. Coburn, *Central Asia: Pipelines are the New Silk Road*, op cited.

³⁹ Edward C. Chow and Leigh E. Hendrix, *Central Asia's Pipelines: Field of Dreams and Reality*, The National Bureau of Asian Research, NBR Special Report No 23, September 2010, p. 31.

constraining Russian and Iranian influence in the Caspian energy pipelines.⁴⁰ The cooperation which US seek from regional states has been to link the regional energy pipelines to Western Europe bypassing Russia and Iran. This aim was to be achieved by supporting Turkey's policies and initiatives in the region. As a result some success was also achieved in the shape of BTC pipeline which benefited Turkey also but Turkey could not make any major headway in the region as was expected. Major success for the West (US and EU) since 1991 has been the BTC pipeline which totally bypasses Russian territory. However Russian influence in the region proved to be more lasting while US position and influence has been diminishing as withdrawal from Afghanistan has already started. Colour revolutions in former Soviet space including in Kyrgyzstan also increased suspicions about US objectives in the region As Edward C. Chow and Leigh E. Hendrix stated four years back in 2010 that:

"A common mistake is to believe that the central role for U.S. policy in Caspian pipelines will persist. To whatever extent this is a modern day Great Game—a truly inappropriate analogy to Russia and Britain's imperial competition over Central Asia in the 19th Century—the United States is the 'away team'. The traditional regional powers were in temporary decline in the 1990s. Russia was in political and economic turmoil after the collapse of the Soviet Union. China had just become a net oil importer in the early 1990s and had only started responding to the surprising opening in Central Asia, beyond securing its own borders and concerns over minorities in Xinjiang, after the Soviet Union's collapse".⁴¹

US has made limited progress since 1992 when Chevron started investment in Tengiz (Kazakhstan) oil field but still has to be dependent on Caspian Pipeline Consortium (CPC) going through Russian territory and having largest shares of Russian oil companies i.e. Transneft and Rosneft though not operationally controlled by Russian oil giant Transneft. BP has also sold its shares in the consortium to Russian oil company Lukoil.⁴² Other US backed gas and oil pipelines from Central Asian Republics of Kazakhstan and Turkmenistan i.e. Trans-Caspian Pipelines initiated during the 1990s are far from materializing. The Trans-Caspian Gas and Oil

⁴⁰ Richard Rousseau, "Pipeline Politics in Central Asia", June, 2011, retrieved from http://fpif.org/pipeline_politics_in_central_asia/, accessed on 31/10/2014.

⁴¹ Edward C. Chow and Leigh E. Hendrix, "Central Asia's Pipelines: Field of Dreams and Reality", September 2010, retrieved from http://csis.org/files/publication/1009_EChow_LHendrix_CentralAsia.pdf, accessed on 21/11/2014.

⁴² Brian Swint and Eduard Gismatullin, "BP Sells Stake in Kazakh Tengiz Field, Caspian Pipe to Lukoil", December 11, 2009 retrieved from <http://www.bloomberg.com/apps/news?pid=newsarchive&sid=asjh2NgTMH6g&pos=6>, accessed on 21/11/2014.

pipelines have to bypass Russia and Iran to supply gas to European markets. Kazakhstan plans to develop this Trans-Caspian oil pipeline from the port of Aktau via barge to the BTC pipeline.⁴³

The apparently US backed Trans-Afghan-Pakistan-India (TAPI) pipeline from Daulatabad gas field of Turkmenistan also remains a dream. American and Argentinean companies did show interest in project during 1990s however the regional geo-politics have postponed its materialization till date. US lost the opportunity during its 12 years stay in Afghanistan to materialize the project. Its materialization would have played a significant role in stabilizing Afghanistan by creating economic opportunities to the people and US backed government in Afghanistan. It is still hard to examine the scope of cooperation between USA's Chevron and Russia's Gazprom on TAPI pipeline in future though it make sense as Chevron and Gazprom are in cooperation in CPC (Caspian Pipeline Consortium) in Kazakhstan so can be in this project too. It is important because in the presence of around 10000 US personnel in post withdrawal Afghanistan, US will desire to have its own flush of pound in the project if materializes.

China's Natural Leverages

The breakup of former Soviet Union and independence of Central Asian Republics coincided with the emergence of China as an economic giant in the neighborhood. During the decade of 1990s when Western oil companies like Chevron (US) and BP (British Petroleum) rushed into the region (1992 precisely), China focused on making ground for long-term reliable political, trade, economic and energy relations with Russia and Central Asia. China prudently went to Moscow and then moved into Central Asia. One of the main factors of China's 'Go West' Policy has been to create stable borders with Central Asia and develop Xinjiang for smooth energy imports from Central Asia. China achieved the aim of peaceful and stable borders with Central Asia by settling borders issues with Kazakhstan, Kyrgyzstan and Tajikistan through the 'Shanghai Five' mechanism which later on became Shanghai Cooperation Organization by joining of Uzbekistan in 2001. China achieved recently the goal of energy imports through pipelines from Kazakhstan, Turkmenistan and Uzbekistan without any provoking of the Great Game. On the other hand Central Asian Republics seem satisfied with the Chinese official 'Peaceful Rise' Policy.

China's energy demand steadily growing and has already become world leading energy consumer state. The growing energy needs of China can meet uninterruptedly with the Central Asian oil and gas available at the door step. Pipelines from Central Asia mean diversification of supply sources for China and less dependence on the vulnerable strait of Malaca. China inked

⁴³ Leonard L. Coburn, Central Asia: Pipelines are the New Silk Road, op cited.

first oil agreement with Kazakhstan in 1997 and the 2800 km long oil pipeline from Kazakhstan became operational in 2006.⁴⁴ Similarly Central Asia-China gas pipelines system originating from Turkmenistan via Uzbekistan and Kazakhstan to China consists of three lines going parallel, each 1833 km long. Line A became operational in 2009. Line B and C became operational in 2010 and 2014 respectively.⁴⁵ All the mentioned three Central Asian Republics feed gas to this pipeline for exporting to China which means a secured energy supply for China while diversification of markets for Central Asia. The route of Line D originates from the same gas field on Turkmenistan-Uzbekistan border and goes via Tajikistan and Kyrgyzstan to Xingjian. This is the best example of regional cooperation which is imperative for regional growth. These pipelines have diminished chances of Turkmen gas for the proposed Nabucco pipeline or the Southern Gas Corridor which could bring Turkmenistan in competition with Russia for European market. That's why Russia seems to be satisfied with the eastward movement of Central Asian gas.



Source: http://www.japanfocus.org/-M_K-Bhadrakumar/3277.

China vis-à-vis USA enjoys the natural advantage of geographical proximity to the region as well as trustworthy relations with CARs. When USA blamed Uzbekistan on human rights issue after the Andijan incident in Ferghana Valley of Uzbekistan, China supported Uzbekistan's official stance on the issue and termed it as Uzbekistan's internal affair. Further

⁴⁴ Shabir Ahmad Khan & Nadeem Akhtar, "China's Policy Towards Central Asia: An Overview", pp: 61-73 in *Central Asia*, No. 69 (Area Study Centre, University of Peshawar, 2011) p: 66.

⁴⁵ CNPC, "Flow of Natural Gas from Central Asia", retrieved from <http://www.cnpc.com.cn/en/FlowofnaturalgasfromCentralAsia/FlowofnaturalgasfromCentralAsia2.shtml>, accessed on 20/01/2015.

SCO also provided a forum to China, Russia and Central Asia for deepening their economic and political relations. Though China has been replacing Russia in many sectors of CARs, however Russia has not reacted in the way it reacted to the Western backed Baku-Tblisi-Ceyhan (BTC) pipeline in shape of Russian-Georgian war and secession of Abkhazia in 2008 and to the Ukraine issue and annexation of Crimea in 2014.

Russia's Historical Monopoly Challenged

More than 50 percent of Russia's revenue comes from the oil. Russia meets 90 percent gas requirements of Western Europe along-with substantial amount of European oil imports.⁴⁶ Russia considers Central Asia its near-abroad and a historical sphere of influence where Russia has invested for more than a century and developed housing infrastructure, communication and pipeline infrastructure, industrial infrastructure and gave Central Asia almost 100 percent literacy rate. Through Russia runs all the oil and gas pipelines of former Soviet Union. Similarly the Central Asian oil and gas pipelines infrastructure avoid any physical connection with any country of the Central Asian Republics. Russia, even after more than two decades of time since the breakup of Soviet Union, still controls much of the Central Asian energy pipeline infrastructure. 80 percent of Kazakh's oil goes in Russian pipeline system of Central Asia while remaining 20 percent goes to China through Kazakh-China oil pipeline.⁴⁷

Russia's policy focusing to ensure Russian companies' investment in development and transportation of hydrocarbon resources in Central Asia and to minimize US involvement in joint ventures and transportation⁴⁸. Russia operates the Caspian-Pipeline Consortium (CPC) from Tengiz oil field in Kazakhstan to the Russian port of Novorossiysk at the Black Sea via Russian territory. It is the largest export route and pipeline of Central Asian which currently carries 34 million tons oil to world markets via the Black Sea.⁴⁹ Chevron and British Petroleum are also dependent on this route as both have shares in the Caspian-Pipeline Consortium. Likewise the Central Asia Centre Gas Pipeline System (CAC) includes a number of gas pipelines from Turkmenistan, Uzbekistan and Kazakhstan to Russia and beyond. This pipeline system is controlled by Russia's Gazprom for further export Central Asian gas to Ukraine and Europe. Russia has also signed a 25 years agreement with Turkmenistan in April 2003 which stipulates to supply

⁴⁶ "A Bear at The Throat", *The Economist*, April 14, 1997, pp: 58-60.

⁴⁷ Vladislav Savin and Cherng-Shin Ouyang, op. cited.

⁴⁸ Ibid.

⁴⁹ Vladislav Savin and Cherng-Shin op. cited.

Turkmen gas to Gazprom until 2028, a total of 2 tcm over mentioned period.⁵⁰

The Russian monopoly over the energy rich area has been challenged by US and China by supporting energy routes which avoid Russian dependency. Leonard L. Coburn, in article Central Asia: Pipelines are the New Silk Road mentioned the new multiple energy supply routes, which the US and China supported, have already developed cracks in the Russian historical hegemonic position. Following are the important oil pipelines and rail routes, which avoid Russian territory/ monopoly.

1. From Azerbaijan to Georgia to Black sea ports for shipments.
2. Caspian Pipeline Consortium (CPC), from Kazakhstan to Black sea passing through Russia, but it's not under the control of Russian state owned oil company, Transneft.
3. Baku-Tblisi-Ceyhan (BTC) pipeline from Azerbaijan to Mediterranean Sea.
4. Oil pipeline from Kazakhstan (Atasu) to China's (Alashankou) Xinjiang region.⁵¹

“All these new routes provide Central Asia with competitive and diverse routes undermining Russia's monopoly position. All the countries must continue to balance their relationships with Russia carefully since Russia still has a strong position in Central Asia, but Russia no longer dominates as in former times.”⁵²

⁵⁰Martha Brill Olcott, “International Gas Trade in, Central Asia: Turkmenistan, Iran, Russia and Afghanistan” May 2004, retrieved from

http://fsi.stanford.edu/sites/default/files/Turkmenistan_final.pdf, accessed on 6/11/2014

⁵¹Leonard L. Coburn, “Central Asia: Pipelines are the New Silk Road”, op.cit. p.19.

⁵²Ibid. p. 19.



Source: Struggle for Central Asian Energy Riches, BBC NEWS Asia Pacific <http://www.bbc.co.uk/news/10213892>.

As far as natural gas transportation is concerned, the situation is also changed. Russia's old Soviet era monopoly over Central Asia's gas reserves in terms of gas pipelines' system connected with Russia has been challenged by China to a great extent. Iran is also connected to Turkmen gas through pipeline though Gazprom is actively involved in extracting and transmitting gas from Central Asia. Gazprom is working in collaboration with the gas companies operating in Central Asia and expanded gas transmission system Central Asia-Center (CAC). Presently Gazprom entered into bilateral agreement with Uzbekistan, Kazakhstan, Tajikistan, Kyrgyzstan and Turkmenistan.⁵³ However the historical control of gas supply by Russia, like oil supply, has been challenged by the competitors through supporting diverse gas pipeline projects.

Shah Deniz gas field in Azerbaijan has been developed while South Caucasus Pipeline (SCP) also known as BTE pipeline started from Baku to Tbilisi to Erzurum (Turkey) and run parallel to BTC pipeline (Baku-Tbilisi-Ceyhan), avoiding Russian territory.⁵⁴ Now Azerbaijan did not import gas from Russia but rather export to Russia its own natural gas and is looking for other options like deal with Bulgaria.⁵⁵ Azerbaijan entered into an agreement to export gas to Bulgaria in 2019 via Turkey and Greece avoiding transportation through Russia.⁵⁶ In order to avoid Russia and transport gas from Caspian Sea to Europe through Nabucco pipelines has been cancelled but the Trans Anatolian Pipeline (TANAP), funded by Azerbaijan and Turkey, is expected to be operational in 2018.⁵⁷ Chinese National Petroleum Company (CNPC) the first foreign company that has started investing \$4 billion in eastern Turkmenistan gas oil field, South Yoloten.⁵⁸ All these gas pipeline projects seriously undermine Russian monopoly of past over the Central Asian gas transportation and diversifying supply routes.

⁵³ Gas Purchases strategy, retrieved from

<http://www.gazprom.com/about/production/central-asia/>, accessed on 21/11/2014.

⁵⁴ Leonard L. Coburn, "Central Asia: Pipelines are the New Silk Road", op.cit. p.20.

⁵⁵ Ibid.

⁵⁶ "The War of Energy Independence: Central and South East Europe Warms to Russian Dependency," retrieved from <http://www.naturalgaseurope.com/energy-independence-central-and-south-east-europe> accessed on 11/11/2014.

⁵⁷ Clara Weiss European Union's Nabucco pipeline project aborted, 13th July 2013, retrieved from <http://www.wsws.org/en/articles/2013/07/13/nabu-j13.html>, accessed 13/11/2014.

⁵⁸ Ibid.



Source: Gas Purchases strategy
<http://www.gazprom.com/about/production/central-asia/>

Cooperation for Energy Pipelines in Central Asia

James P. Dorian has mentioned that cooperation in the field of energy transportation has already being started between Central Asian states. He is also confident that in future the regional states will forge close cooperation in the field of energy transportation, because of the following reasons.

1. Economic growth will increase energy demand among the Central Asian states.
2. Central Asian States interdependence in term of uneven distribution of energy resources.
3. Energy shortage in resource poor Central Asian states forced them to import energy from regional states.
4. Low cost involvement in developing regional energy transportation network.⁵⁹
5. Already established energy transport network during Soviet period.

Oil is exported from Kazakhstan to Turkmenistan and from Uzbekistan to Tajikistan. Gas pipelines export gas from Uzbekistan to Kazakhstan, Kyrgyzstan Kazakhstan and from Turkmenistan to Tajikistan, Kazakhstan,

⁵⁹ James P. Dorian Central Asia: A major emerging energy player in the 21st century, op.cit, pp. 550-551.

Uzbekistan and Kyrgyzstan. Uzbekistan and Kyrgyzstan import coal from Kazakhstan.⁶⁰ The initial phase of competition for energy resources' has given a realization to the main actors that cooperation can also be the option. Russia as a strategy tried to avoid competition with China. As Heitor Romana mentioned: "in the energy field", Moscow intends that "the supply of Central Asian oil and natural gas to China continues to be conducted by the Russians, for the Russian companies to control in source the production of the oil and gas exported to China". This is the case of "Gazprom" and "Rosneft", which "seek to do this" though, for example, the creation of "joint ventures with local companies".⁶¹

Similarly the Chinese company China National Petroleum Corporation and Russian second largest oil company Lukoil are cooperating to develop oil and gas deposits in Kazakhstan and Uzbekistan. Likewise both Russia and China are cooperating in Siberia and recently signed a \$400 billion energy pipeline agreement. These companies are also involved in other combined oil and gas ventures.⁶² Furthermore the energy interests of China and Russia gave birth to the formation of an Energy Club in Shanghai cooperation Organization in 2007. The main force behind Moscow idea is to 'harmonise' the energy strategies of Russia, China and Central Asian countries".⁶³ Dr Marcel de Haas explained the energy club in this manner "The regulations of the Energy Club – in which the SCO observers also take part– explain that the Club unites energy producers, consumers and transit countries in coordination of energy strategies with the aim of increasing energy security".⁶⁴ In 2013 Gazprom and CNPC entered in an agreement of worth \$400 billion to construct jointly a gas pipeline. There are possibilities that SCO and NATO will collaborate in future.⁶⁵

Why Russia is satisfied with growing Chinese influence in the region? There could be three probable answers to this question: Firstly, Russia could not control, counter or stop China-Central Asia close collaboration due to the nature of mutual beneficial relationship between China and Central Asia. Secondly, Russia and China have chosen each other as strategic partners' vis-à-vis US presence in the region. Thirdly the eastward direction of

⁶⁰ Ibid.

⁶¹ Romana, Heitor., *Entrevista Pessoal*, Lisboa. 2012. Cited in Paulo Duarte, "Cooperation and Conflict: The Dynamics of Oil and Gas in Central Asia", *Austral: Brazilian Journal of Strategy & International Relations*, Vol. 3, n.5, Jan-Jun. 2014., p. 212.

⁶² Shamil Yenikeeff, "Energy Interests of the 'Great Powers' in Central Asia: Cooperation or Conflict?" *The International Spectator: Italian Journal of International Affairs* 46(3), 2011, p:217, retrieved from <http://www.tandfonline.com/doi/pdf/10.1080/03932729.2011.601115>, accessed on 21/10/2014.

⁶³ Ibid, p: 74.

⁶⁴ Dr Marcel de Haas, "The Shanghai Cooperation Organisation's Momentum Towards a mature Security Alliance", p. 25, retrieved from http://www.clingendael.nl/sites/default/files/20080100_cscp_haas_art_sm.pdf, accessed on 19/11/2014.

⁶⁵ Ibid., pp. 26-30.

Central Asian energy resources diminishes the chances of Central Asian energy competition with Russia for European market. China and Russia also thriving for a multi-polar world order to have different centers of power balancing each other for having a peaceful world. China can also become partner in IPI (Iran, Pakistan, and India) pipeline making it IPC (Iran, Pakistan, China) gas pipeline if India does not come a party to the project.

Initially US interests in Central Asia revolved around propagating its values of democracy, equality, rule of law, weapons of Mass destructions, and human rights. It was in mid 90s that US gave importance to Eurasian energy resources'. Keeping in mind the geo-political situation of the region, US main concern is to develop such energy export strategy that favored joint regional endeavor. For this US relied on Azerbaijan and Turkmenistan. For further developing the cooperative environment in Central Asia US initiated Partnership for Peace frame work under NATO⁶⁶ US cooperative policies revolved around security. However US have been unable to foster any major cooperative initiative in the region of Central Asia. US after 2014 NATO forces exit from Afghanistan may be in a complex situation to develop a New Silk Road, with the idea to integrate Central Asia, Afghanistan and South Asia. This integration encompasses regional energy markets and trade and transport.⁶⁷

Conclusion

As a result of energy pipeline politics in hydrocarbon rich Eurasian region, two trends are eminent; competition and cooperation between US, Russia and China. Competitive environment emerged immediately after the disintegration of the former Soviet Union. Among the three states, Russia and China seem more cooperative or less competitive as both considered the US presence in the region, which both term their backyard, as a long term threat. Richard Rousseau stated it in his words "projects benefiting US geopolitical and energy plans draw wary looks from Russia and China".⁶⁸ The emergence of SCO and initiatives taken by both the states Russia and China under its umbrella are indicative of the fact that US presence looms large over their competition in the energy transportation. Russian role in Georgian and Ukrainian crises signifies that Russia can ignite conflict and may use its military, Russian Diaspora and dominance over regional energy pipelines to assert her in former Soviet space. Energy has been used by Russia as an effective foreign policy tool in the 21st century particularly in its relations with Western Europe vis-à-vis Central Asian gas supply. China has been making major headway in the region and it seems that in the long-

⁶⁶ S. Neil Macfarlane, The United States and regionalism in Central Asia, *International Affairs* 80, p. 451-452.

⁶⁷ US Support for the new silk Road, <http://www.state.gov/p/sca/ci/af/newsilkroad/>

⁶⁸ Richard Rousseau, "Pipeline Politics in Central Asia", op. cited.

run China might replace the Russian historical role but not through physical occupation but through economic dominance of the region.

For USA the region of Central Asia is important strategically as well as economically. US is engaged bilaterally with the states of Central Asian region, but seems to be little successful in developing any regional cooperative infrastructure and institutions. For energy politics US encouraged friendly states to be more active in the region of Central Asia, that's why US didn't support any energy pipeline route either through Russia or Iran. After two decades of political maneuvering and pursuing a policy of regime changes in former Soviet space through color revolutions, US presence is still limited and in the post 2014 regional scenario US seems to be little effective while China and Russia seem to have major roles and say in regional structuralization. It seems that USA's non-Russian, non-Chinese and non-Iranian policies for pipeline routes are in decline. However the Sino-Russian cooperation in Central Asia is also guarded by the long-term divergent interests of the players and this may foster the competitive policies once the US presence is eliminated completely. New pipelines from the region have developed and been developing during the last two decades which have broken the Russian complete monopoly but Russia still enjoys a strong position and influence over the regional energy transportation.

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CHINESE COMMUNIST PARTY (CCP) AND ISLAM IN CHINA DURING 20TH CENTURY: A CASE STUDY OF XINJIANG

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The Uyghurs of Xinjiang adopted Islam as their religion in 8th and 9th century, that became the binding force of the Uyghur society till the first half of 20th century. However, when Xinjiang became the part of Peoples Republic of China (PRC) in 1949 and under the influence of communism, Chinese Communist Party (CCP) started to erode the influence of Islam in the region under the system of Communism. Especially during the Cultural Revolution, however, CCP's policies towards Xinjiang were liberalised, particularly towards religion and once again became a public affair from private affair. After 1985, Uyghurs started linking Islam with the pro independence sentiments and some even wanted to use Islam as a potential political force for resistance against the PRC. Since the mid 1990s not only separatist sentiment has grown, but the support of Islamic fundamentalism from other countries. The paper will analyse the brief history of Islam and institutions from 8th century and the Communist policy towards religion from 1949.

Key words: Shariat, Mullahs, Waqf, Ramadan, Islam, Cultural Revolution.

Xinjiang remained the hub of socio economic and political activities from the ancient time because of the regions geographical location and Silk Route trade. Different regimes ruled over Xinjiang and brought in their own religion in the region, (Foltz, 1997:96-97). Accordingly in the 2nd century AD Buddhism flourished in the region after Kushan dominance there and many of its areas like Khotan, Kashgar, Kucha, Turfan, etc found Buddhist establishments being raised to establish Buddhism firmly there (Bellew, 1872:17; Sykes and Sykes, 1920: 272; Beckwith, 2009:115). Side by side Turks nourished Shamanism¹ and Chinese Manichaeism² and others

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¹ Regarded to be the world's oldest religious belief, it had a specific set of beliefs and practices focused on a sky god, Tangri, and earth goddess, Umay. Shamanism seems to be important element of the Central Eurasian Culture Complex and is still prevalent in day to

Christianity (Barthold, 1935: 50-52; Barthold, 1958: 388). The literature they developed around 840A.D. pertained to these three influential faiths of Xinjiang (Menges, 1968: 45-46).

Islam in Xinjiang

Islam reached to Transoxania in the mid 7th century³ and its dominance was found there in the early 8th century.⁴ When Samanids (875-999A.D.) were ruling Central Asia, Islam reached Kashgar and adjoining oasis where it met a stiff resistance from the Buddhists.⁵ However, in the mid 10th century under Qarakhanids and Kashgars Satuk Bugra (920-960A.D.), one of their rulers, accepted Islam in 955A.D. as his religion to influence his people.⁶ After his death, his son, Musa (960A.D.), declared Islam as state religion and there upon, according to Ibn Miskawaih and Ibn Al-Athir,

day life of the people of Central Asia including Xinjiang; Beckwith, 2009: 23; Basilov, 1987: 7-17; Czapllick, 1918: 30; De Weese, 1994:33; Hann, 2001: 9-23; Lattimore, 1950: 245; Philips, 1968:181-193; Radloff, 1960: 491; Wathen, 1835: 1-4.

² Founded by Mani (216-277A.D.), was popular among the Sogdians, close allies of the Turk who were skilled in international trade and when the Uyghur's helped the Tang government to recapture Loyang the second important city after Changan during the period of rule of Tangs. Uyghur's came in contact with the Manichaeism in 762-763A.D. The preachers of the Manichaeism were able to exercise a great influence over the Uyghur's and Manichaeism was embraced by all the subjects by joy and remained strong in throughout the region; Grousset, 1970:122; Lattimore, 1950: 241; Radlov, 1909: IV; Sinor, 1990:330.

³ It was in 676 A.D. the Arabs, under Abdulla Zizad, had crossed over from Persia, and were carrying destruction and terror in their course along the banks of the Oxus. At that moment the Bokhara was ruled by women, named Khaton. When her country was threatened by the unexpected invasion of Arabs, the queen got assistance from all the neighbouring States, including Kashghar. However, she was defeated twice in the open field, and compelled to seek safety within the walls of her capital. But the Arab leader was unable to take the city by storm, and slowly retired, number of captives and an immense quantity of booty, back to Persia. However, some years later the Arabs again returned, but withdrew on the payment of a heavy indemnity; Boulger, 1878: 24; Sykes and Sykes, 1920: 257.

⁴ Another chief, Kutaiba, was still more successful, as Islam was carried into the realms of Xinjiang ultimately in the battle of the Talas river 751A.D. in which Tang army under the general Gao Xianzhi were defeated and according to Gibbs, "settled the question as to which of the two cultures . . . would prevail in Turkestan. The Arabs themselves looked on Turkestan as a province wrested from the Chinese emperors"; Boulger, 1878: 24; Broomhall, 1996: 17; Gibb, 1970:97-98; Sykes & Sykes, 1920: 257; Talat, 1968: 9-12.

⁵ This region was dominated by Buddhism, especially in Khotan, and it was after the wars of 25 years that Khotan was subjugated by Muslims; Bellew, 1872: 17; Shaw, 1877: 335, 336, 361.

⁶ It is said that after Bugra khan installed a Samanid refugee as governor of Artush, an important caravan post outside Kashgar, the new governor built a mosque there and latter when Satuk Burga was inspecting goods there he noticed that all merchants left their goods as soon as "Muezzin" called for prayers. Astonished by it he went to prince Samanid to obtain information about Islam, studied Quran and became a Muslim; in another version it is said that Satuk Bugra was hunting one day, encountered a talking rabbit who turned into a *Shaykh* and proclaimed him to repeat, "there is no god but Allah and Mohammad (peace be upon him) is his prophet"; Dankoff, 1983: 51-52; Forsyth, 1875:121; Elias & Ross, 1895: 286; Millward, 2007: 51-52; Shaw, 1877: 351-355.

200,000 tents of Turks living between Balasaghun and Bulghar accepted Islam (Bellew, 1872: 308-309; Samolin, 1964: 81). The scholarly work (of Uyghur's) *Kutadlgı Bilig* or *Wisdom of Royal Glory* by Yusuf Khass Hajib of Kashgar, of 1069A.D., (and translated by Dankoff under the title of "Mirrors for Princes") states that certain rules on administration, justice, manners were drawn from Quran and sayings of Prophet Mohammad (peace be upon him) besides on the ideas drawn from Sufi literature show clearly that in the 11th century Islam played definite role in the governance of Xinjiang (Dankoff, 1983: 1-35; Millward, 2007: 54). In spite of that influence of the other faiths, like Buddhism,⁷ Nestorian Christians⁸ and others had not died down as they lived in the area under their own laws until the 14th century (Barthold, 1958: 387-388; Lattimore, 1962: 182; Wright and Erc, (ed.) 1854: 94) and whose traditions lingered till the 16th century in the northern parts of Xinjiang, like Urumchi-Turfan region, though spread of Islam in these areas started in the 11th century (Lattimore, 1950:192).

Although Islam lost its political prominence during the rule of Qara Khitay and Mangols,⁹ it still made inroads in the new lands¹⁰ as well as made impact on the religion of these dynasties.¹¹ Since Mongols favoured trade with the Muslim traders this indirectly helped to renew the Islamic faith (Allsen, 1989: 83-126). By the time Chingez Khan's son ruled parts of Xinjiang, protection to Islam in preference to other religions helped Muslims to progress there.¹² In the 14th century mass conversions took place during the rule of Tughluq Timur¹³ following the prominence of Sufism in Turkestan when the Khoja Ahrar (1404–1490A.D.) became head of the Naqshbandi order to give boost to Islam that attracted people rather at a

⁷ Buddhism was on decline due to expansion of Islam; Bentley, 1993: 131-133.

⁸ The Christians also started some Muslim customs like they held Friday as holiday and performed ablutions on entering the church; Barthold, 1958: 390.

⁹ During the time of Mangols Islamic practices were discouraged and nomadic laws were imposed like the animal slaughtering on rituals and ablution in running water was forbidden; Hann, 2008: 304.

¹⁰ It was during this period that Islam first time reached to the regions of Qayaliq and Almalig as the Qarluq rulers embraced Islam in 13th century because of the relative peace in the empire of Qara Khitay; Biran, 2005:177.

¹¹ The Christians imitated some Muslim customs as they held Friday as holiday and performed ablutions on entering the church; Barthold, 1958: 390.

¹² It was Chingez Khan's son Ogedey/Chagatai (1227-1269AD), who rendered services and protection to Islam in preference to other religions; Juwayni, 1916: 162-164.

¹³ Chagatai prince, Tughluq Timur became khan and embraced Islam under the influence of Sheikh Jamal ad-Din, a 'member of the sect of Khojas', Timur also agreed to make all the princes Muslims as well, however, one of the prince challenged the Sheikh to beat a wrestler. Since the Sheikh defeated the wrestler and on that day 160,000 persons cut off the hair of their heads and became Muslims. *Naqshbandi* sufi order was already known in Kashghar as early as the twelfth century; Dillon, 2004:14; Elias & Ross, 1895:14-15; Kuropatkin, 1862: 102; Lattimore, 1950: 192.

greater pace on the basis of sufistic thought of simplicity and piety.¹⁴ Thereafter, in the 15th and 16th century, sufism was not restricted to courts and sedentary areas only, it also operated among the nomadic areas and Islamic influence was clearly seen there (Hartmann, 1905: 201-202; Togan, 1905: 138).

It is reported that in the beginning of the 17th century people offered five time prayers without fail. Witnessed by Portuguese Jesuit Father Bento, in 1604A.D. in Yarkand, then the Capital of Kashgar kingdom, he found all people attending Friday prayers and those who failed were punished.¹⁵ Similarly Oscar Terry Crosby found that Islamic law was very strong among the nomads as he found them attending basic pillars of the faith relentlessly and reported that, “so strong was the hold of Prophet’s Law that in the morning sun, looking into their cheerless camp, found all men in genuflection towards Mecca”.¹⁶ Islamic culture got further impetus during the second half of 19th century, when Yakub Beg was ruling there, and marked change in the socio-religious life of Xinjiang was seen where upon *shari’ah* was enforced in governance and civil life (Boulger, 1878: 145).

On the eve of 20th century, Islamic culture played its role in shaping the religious orientation of the people in the region.¹⁷ Majority of the people performed the tenants of the faith like offering payers (Shaw, 1871:156, 465-466), fasting in the month of *Ramadan* mostly in rural areas,¹⁸ rich giving alms (Shaw, 1871: 368-369; Skrine, 1926: 185; Taylor, 1892: 239-240) or performance of *Hajj*¹⁹ by those who could afford it. *Ramadan*, *Hajj*, *Eid-ul-Fitr* and *qurban bayram (Eid-ul-Duha)* also brought in cultural ethos with

¹⁴ The institutions of Islam developed faster after the arrival of Khoja Makhtum Azyam, a learned theologian of Bokhara at the beginning of the 15th century; Dillon, 2004:14; Kuropatkin, 1862: 102; Lattimore, 1950: 192.

¹⁵ Twelve men left the mosque with scourges to punish those who had not attended the prayers in the Mosques which were present in abundance. Every day in the morning prayers it was noted who was absent from the communal prayer in mosque, and was the job of *Muzin* to visit the home of absent person and was threatened with a good beating. If the person did not went to prayers again he was expelled from his house, if he refuses to leave, the entrance of his house was walled up. If he still shows reluctance to comply, his case was referred to a representative of the religious establishment; Hann, 2008: 344; Hague, 24-25; Lattimore, 1950: 194; Wessels, 1924:1603-1721.

¹⁶ Even during the horse play (Yoozbashee), people will dismount and pray; Crosby, 1905: 109; Shaw, 1871: 156, 465-466.

¹⁷ It was because of the pressure from *Qazi*, used to whip the men who did not perform the religious duties like praying and fasting during the month of *Ramadan* in urban areas. The other pressures were from the society like social boycott; Hann, 2008: 343-346.

¹⁸ In the 9th lunar month, drums were beaten to awaken the faithful from sleep before the dawn prayers and the fast was broken in the evening by feasting friends\relatives or sending them packs of food; Kaw, 2005: 99-118; Shaw, 1871:195,213,114; Sykes & Sykes, 1920: 174; Skrine, 1926: 248-249.

¹⁹ Pilgrimage to Mecca by those men and women who could afford it; Cable & French, 1942:198; Hann, 2008: 349; Jarring, 1885: 61; Maillart, 1937: 224-25; Shaw, 1871: 320, 332-333.

religious festivity. During the month of *Ramadan* religious songs were sung at the evening and the end (*Eid-ul-Fitr*) was celebrated (Sykes & Sykes, 1920: 174). On this occasion people donned new clothes, offer Eid prayers, eat ceremoniously and visited the shrines.²⁰ Similarly other religious festival *qurban bayram* (*Eid-ul-Duha*), the commemoration of Abrahams' willingness to sacrifice his son performed during the month of *Hajj*, was celebrated with joy and valour.²¹ Similarly, on the departure as well as reception of *Hajjis*, songs were sung by women and other members of community.²²

Islam and Traditions

Side by side the practice of paying visits to the graves or *Mazars* of their ancestors²³ and make a material offering there (Krader, 1963: 126; Kaw, 2005: 99-118) for one or other worldly gains as was also seen in Shamanistic practices (Aitpaeva, 2007: 414; Weese, 1994: 54). Shamanism, the earlier faith of most of the Central Asia including Xinjiang, popularised animal sacrifices at the grave sites (Younghusband, 1904: 176) which subsequently became commemorative with the erection of long poles hoisted with animal (mostly horse) tails (Basilov, 1987: 7-17; Stein, 1910: 839) This practice was so common in many parts of Xinjiang and Central Asia that commemorative horse and yak tails are still seen in the houses of Kazaks across the globe. Another change inflicted was that *Shamans*, seen at such grave sites where people visited for benefits, material gains or removal of diseases etc (Haden, 1909: 133; Sykes, 1916: 19; Sykes & Sykes, 1920: 310), were replaced by Muslims through *Shiekhs* and *Bakshis* or *derveishs* for similar purposes at Muslim shrines or *Mazars*²⁴ associated with the Sufi

²⁰ Since people engaged in celebrations, did not work for three days; Habibulla, 1993: 365; Shaw, 1871: 214,250; Schimmel, 2001: 95-111.

²¹ The sacrifice was expected from those whose financial position permitted them and pastorals used to keep eid sheep with respect. The sacrificial meat had to be distributed among guests, neighbours, one's own family and poor. Besides skin of the sacrificed sheep was given to Imam, head and feet to *Muazzin*, offal and the neck to butcher; Dillon, 2004: 28-29; French, 'et al' 1934: 333; Hann, 2008: 351; Shaw, 1871: 333; Skrine, 1926:186.

²² *Hajjis* were highly regarded in the community, besides, it was said that going to *Hajj* sharpens once intelligence. The things received from *Hajjis* were respected like the rosaries made from the stones of dates by the pilgrims; Cable & French, 1942:198; Hann, 2008: 349; Jarring, 1885: 61.

²³ On Fridays and Saturdays, women in Xinjiang used to visit graves of the ancestors, a custom not in accordance with Muslim practices, and were seen weeping loudly for the welfare of survivors, recovery from illness and safe return from the journey; Nazaroff, 1935:38; Sykes & Sykes, 1920: 68-72.

²⁴ The famous Shrines were Hazrat Sulaiman, Hidayatullah Khawaja known as Hazrat Apak and Dava khan; all the three were celebrated kings and also the reputed shrines of Shihab-uddin, Qutb-I-Alam, Sheikh Habib, were known for spread of Islam in the region; Skrine, 1926: 182-84.

faiths.²⁵ They, therefore, were not orthodox in nature but practised a sort of popular Islam as they also went to faith healers for curing a disease (Haden, 1909: 133; Hann, 1997: 87-112) and wear amulets and *tabises* (Meakin, 1903:133) Whether or not all these things were achieved at these places but the blessing of *Mullahs/ Shiekhs* or *Bakshis* were abundantly available at such places that were omnipresent in each locality and among the tribes earning their livelihood in response to their jobs rendered to the visitors.²⁶

Islam and Judicial System

Islam as a cultural system and as a cohesive and vibrant force was not seen entirely as such in Xinjiang as it was not adopted purely or orthodoxilly at any stage. In spite of that in the 19th and early 20th century Islamic jurisprudence was prevalent in day to day administration, (Shaw, 1871: 401-402) and important matters were settled on the advice of the scholars of Islam. There is evidence that *Qazi* (Muslim judge), heading a court, was appointed on the basis of his merit and he was responsible for keeping the morality of the society and check on weights and thieves.²⁷ Besides a dispute between a Muslim and a Chinese, was settled according to Muslim law.²⁸ The crimes of high magnitude and the ordinary punishments, whipping, mutilation, and torture²⁹ were inflicted by the order of the *Dadkwah*³⁰ in consultation with the *Qazi*, (Henderson, 1873: 27) however, while capital punishment, during the time of Yakub Beg, rested with the sovereign (Boulger, 1878: 145). To keep checks and balances on the system of justice, everyone's judgement was checked by immediate higher official and if there was confusion between lower and higher official, the matter was either

²⁵ That people used to flock *Mazars*, to gain for themselves financial benefits, and to pay visits at such places were thought to be responsible to ward off cattle disease, provide boons for the prosperity, or the wellbeing of younger children and even women were seen putting her hand into a hole in the tomb and drew forth a morsel of earth, which she swallowed; Masarni, 1978: 79-105; Nazaroff, 1935: 38; Roi, 2000: 372; Sykes & Sykes, 1920: 310-314; Skrine, 1926: 182-84, 228; Sultanova, 2011: 32-41.

²⁶ According to Sykes, the *Bakhshi* played upon a drum and chanted some incoherent gibberish, the woman meanwhile holding a rope that hung from the roof and dancing ground it until giddiness ensued. After this ceremony she paid a fee, gave alms to the poor, and returned home with her heart at ease; Bacon, 1966: 68; Banday, 2010: 304-305; Sykes & Sykes, 1920: 310-314; Wathen, 1835: 654.

²⁷ To check adulteration the *Qazi* marched in the market and streets on the horse and a whip in his hand to punish the guilty on the spot; Nazaroff, 1935:73-74; Shaw, 1871: 401-402, 465-466.

²⁸ The Chinese and Muslim were sent to the Hakim, with common consent, settled their disputes by Mahomedan law; Dowson, 1850: 383; Fletcher, 1978: 77.

²⁹ Those sentenced were frequently stationed in the bazaars, so that they may serve as a warning to others; Dowson, 1850: 372-385.

³⁰ Governor appointed during the time of Yakub beg.

referred to the sovereign for solution, or was permitted to fall through. (Boulger, 1878: 146; Shaw, 1871: 466)

On the other hand during the rule of Qing dynasty the rich offenders were fined while the poor was beaten by whip, however, sentences of imprisonment were given to both rich and poor for crimes like murder and officials were held responsible for crimes.³¹

Islam after the formation of PRC in 1949

CCP had not any kind of base and support in the Xinjiang in the beginning of the Communist Revolution in China. The Chinese government undertook cautious steps towards the religion of the Uyghurs with the fear that communist orientation may fuel hatred against the Chinese Communist government. The government, therefore, allowed religious freedom to the natives of Xinjiang and since most of them were Muslims by birth as such they got Chinese translation of the Quran printed, in 1952, by Commercial Press of Shanghai. What was much more interesting was they drew parallels between Islam and communism in such respects which were much more important for the later like in preface some verses of the Quran were highlighted to describe that Islam and Communism were not averse to each other.³² Along with this CCP membership was thrown open for natives with the caution that only those who had inclination towards Chinese in lieu of certain concessions were registered in it. These cadres were asked to respect the customs and habits of the natives in Xinjiang and implement policies according to local conditions. Besides in 1953, Islamic Association of China³³ was founded to manage the religious affairs within the frame work of CCP³⁴ to gain certain success among the people. The government sent for the first time a delegation of Muslim pilgrims to Mecca then.³⁵

³¹ The official of the district where any murder has occurred was fined and the murderers were kept in prisons and some were kept in cages, chained by neck; Deasy, 1901: 334-336.

³² Like both stress on hard work, commitment to help poor and to society as whole, respect to elders etc; Bush, 1970: 271-273; Debata, 2007: 126; Mackerras, 1999: 35.

³³ The CIA had been formally inaugurated in May 1953 following a preliminary meeting in 1952 attended by the politicians Burhan Shahidi (1894–1989, a Tatar member of the Communist Party), Liu Gepin (1903–92), Saifuddin (a Uighur, born around 1915), Ma Yugui (1917–?) and Yang Jingren (1918–2001) and the religious scholars (all trained at al-Azhar) Ma Jian (1906–78), Pang Shiqian (1902–58) and Da Pusheng (1874–1965). The CIA opened its office in Xinjiang 1956; Halfon, 'et al' 2003: 10.

³⁴ The function of this organization was to train, recruit religious clergy who will disseminate the programme of CCP; Hess, 2009: 85; Mcmillen, 1979:114; Mackerras, 2003: 114.

³⁵ However, were denied the visas in Pakistan but Chinese government approached to Saudi government and issue was resolved and after 1955, 20 pilgrims were allowed for the Hajj each year. According to James Piscatori, it was an attempt to gain favour in the eyes of Middle East countries and got some Success; Israeli, 1981: 901-919; Gladney, 2004: 235; Piscatori, 1987: 247; Shichor, 1989: 3.

Besides these little steps government also allowed mosques to retain their land on the approval of the local population even though their income was taxed.³⁶ This concession was given as per the clause of the law and land reforms promulgated throughout the country in 1950, otherwise confiscated all land of landlords and distributed among the landless peasants. Since mosques in Xinjiang were not largely owners of large land properties therefore much was not achieved other than propaganda. On the other hand *waqf* lands were confiscated which were owned by landlords and religious institutes, and divided among the landless peasants.³⁷ Till then *waqf* lands had provided financial support for the implementation of Islamic administration, justice through Islamic courts, Islamic education through *Makhtabs* (Islamic schools) and *Madrassas* (Islamic colleges) as well as providing base for Muslim culture in Xinjiang for quite long. Now, therefore, Islamic administered justice, through *Shariat/Sharia* law was replaced by people's courts.³⁸

By 1954-55 the CCP cadres of Xinjiang had gained more control there and, therefore, they used the native leaders of former Eastern Turkestan Republic of Xinjiang to criticise such Muslims who had the centrifugal tendencies. For example Burhan, who was the founder member of "Islamic Association of China" and its first chairman (Bush, 1970: 271-273) started to issue dictates against Islamic rituals as he said, "Only legal religious activities will be permitted by the people's government" therefore started a campaign of restricting the role of religion in one's life.³⁹ The real communist ideology started to come forward as CCP began attacking religious institutes and celebrations of Muslim holidays through media (Whiting, 1955: 174). All this was done calculatedly and carefully as their premier leader Mao Zedong had advised in June 1950, while addressing at the Third Plenum of the Seventh Central Committee,

"Social reform in the regions occupied by the minority nationalities is a very important thing and must be handled carefully. Under no circumstances should we be impatient, because impatience will lead to mistakes. Where conditions are not ripe, we can't carry out reforms..... Of course, this does not mean that we must not have any reform. According to the provisions of the Common Program, the

³⁶ Land Reform Law of Peoples Republic of China, in *Collection of important documents since the Establishment of the PRC*, Vol. I, Central Document Press, Beijing, 1993: 336-337. Cf, Dillon, 2004: 29.

³⁷ This was mainly against the landlords and rich peasants whose population was only 3.2% but were having 28% of land holdings: Chen, 1977: 289; Israeli, 1981: 901-919; Mcmillen, 1979:114-133; Millward, 2007: 246-247.

³⁸ However, the courts which regulated the trade and craft guilds remained functional and Wang writes that the tradition and influence of the Qazi courts remained till the great leap forward of Mao Zedong: Jianping Wang, *Islam in Kashgar*, unpublished paper cf. Dillon, 2004: 29; Mcmillen, 1979:114; Millward & Tursun, 2004: 63; Millward, 2007: 247-248.

³⁹ Quoted in Xinjiang Ribao, February, 25, 1955, Cf. Mcmillen, 1979:115.

*customs and habits of the areas inhabited by the minority nationalities can be reformed. However, such reforms must be handled by the minority nationalities themselves”.*⁴⁰

As advised, CCP cadres were built of the natives as well as that of Chinese migrants from the mainland of the Han and Hui populations. This allowed CCP get more control of the situation and especially during the “Great Leap Forward” of 1957-1958, for cultural homogenisation of all the native groups which allowed to take firm measures in cultural field to overcome the influence of Islam over the society more so far such a tendency where some people used Islam as tool for counter revolution that lead to some of them to revolt against the government and riot. The rioters attacked the troops engaged in agricultural activities and killed some of them. The government with help of CCP, used iron fist whereby many people were sent behind the bars and those who were stopping the work of CCP or had control over remaining *waqf* property were prosecuted (Dillon, 1999: 2-3; Debata, 2007: 127; Mcmillen, 1979: 115). Here after Muslim festivals were criticised by the members of CCP and people were stopped from celebrating them (Heberer, 1989: 26). The policy of criticism of local customs and religion continued for next five years as Islam was considered as a reason for all backward customs (Dreyer, 1976: 157-163). Xinjiang Islamic Association came also under the criticism on the ground that it placed religious interests above the state/party interests (Mcmillen, 1979:118-119).

The communist orientation of such religious policy was moderated after 1960s to a large extent in terms of allowing Uyghurs once again to celebrate religious festivals (Benson and Svanberg, 1998: 139). In 1963, the Uyghurs were again assured that their special characteristics will be taken into account. These moderations came into existence for various reasons including socio-economic problems, the general hatred against the growing influx of Hans from China proper and their organised settlement with initiatives for economic development including allotment of land for farm activities, the worsening of Sino-Soviet relation and thus to curb the Soviet influence in this contagious area, the Tibetan revolt of 1959 and the subsequent fall out on Uyghurs having tendency to arise against the Chinese, (Goldman, 1986: 149; Mackerras, 1999: 30) migration of thousands of Kazaks from Autonomous region of Kazaks in Xinjiang to Soviet Republic of Kazakhstan⁴¹ and sporadic Uyghur minority uprisings against PRC

⁴⁰ Mao Zedong, ‘Don’t Attack on All Fronts’ June 6, 1950 in Michael Y.M.Kau & John K. Leung(eds.), 1986: 105-106.

⁴¹ Around 60,000 Kazaks went to other side of the border on the Soviet instigation. As from Tashkent and Alma-Ata, radio broadcasts were made in Uyghur language highlighting the better conditions on the other side of the border; Chao1969: 58; Benson & Svanberg, 1989:

(Clubb, 1964: 9). Other important reason was that during the 1960s China was active in making diplomatic links against imperialism and with the Islamic countries around the Middle East and Arab world.

Islam and Cultural Revolution

By the middle of 1960s PRC announced a new policy of homogenisation of culture to introduce communist doctrine of “togetherness” of all societies into a “whole unit”. The ten-year programme of Cultural Revolution (1966-1976 A.D.), operated in whole of PRC and natives of Xinjiang became its main target. As the programme attacked on four olds; customs, ideas, cultures and habits, which had ominous significance for the natives of Xinjiang than, the migrant Hans. Since the natives of Xinjiang were having the centrifugal tendencies (Heberer, 1989: 25-27) they were targeted the most and, in fact, Mao’s wife, Jiang Qing, considered them as foreign invaders and aliens⁴² for they were not Chinese but Turks (both Uyghurs and Kazaks) and were condemned as reactionary class of enemies (Mackerras, 1994:152). A poster in Beijing in 1966 autumn urged the authorities to, “close the mosques, disperse religious associations, abolish the Quranic studies, abolish marriage within the faith and abolish circumcision” (MacInnis, 1972: 292). Han migrant radicals who were settling in large numbers in Xinjiang by then criticized the local leaders and even attacked their houses⁴³ for not doing all that they thought was important for complete sinization and cultural transformation of the natives in line with Communist ideology. During the period of 10 years there were reports that at many places in this “New Province” of the PRC the holy scripts of Quran burnt,⁴⁴ mosques, which were at every nook and corner of the urban centre’s of Xinjiang⁴⁵ were destroyed (Mcmillen, 1979:196), or closed or else were used for pig breeding.⁴⁶ Sufi shrines, *Madrassas* were

104; Karklins, 1975: 341-364; Mcmillen, 1979:118-119; Mcmillen, 1984: 570; Wheeler, 1963: 56-61.

⁴² She was quoted as saying, ‘what is so special about your tiny Xinjiang? I despise you’; Clarke, 2011: 66; Mcmillen, 1979: 298; Millward, 2007: 274.

⁴³ A prime example of this is in April 1968, the house of Saifudin was ransacked by the CCP Cadres; Mcmillen, 1979: 225.

⁴⁴ Some old aged informants in Kashgar and Yarkand have narrated me that to keep away the Quran from the CCP cadres they used to bury the holy books beneath the earth; as also reported in Debata, 2007: 127; Mcmillen, 1979: 196; Rudelson, 1997: 83.

⁴⁵ According to Dillon there were 29,545 mosques in the whole of Xinjiang before 1949 and more than 12,000 of different size in Kashgar alone and during Cultural revolution only 1400 remain functional; Dillon, 2004: 28; Dillon, 2008: 176; Dillon, 2012: 374.

⁴⁶ Some of the mosques were also used for other purposes like schools, museums and according to my informants in Kashgar, Yarkand, Turfan and Urumchi some were used as stores and some for the accommodation of new comers from inner China; as also reported in Debata, 2007: 127; Mcmillen, 1979: 196; Rudelson, 1997: 83.

either shut down or treated with contempt.⁴⁷ The religious leaders, *mullahs* and *Qazis* and even sometimes the bearded elders⁴⁸ were paraded through the streets and were cursed with the derogatory words (Mcmillen, 1979:196; Rudelson, 1997: 83). The effect of such harsh embargoes was that 54,575 Imams/religious leaders in Xinjiang in 1949 were reduced to 27,000 by the start of Cultural Revolution and because of the fear of repercussions only few were active during the Cultural Revolution (Dillon, 2012: 382). The fasts of the holy month of Ramadan and Muslim holidays were criticized and prohibited. (Mcmillen, 1979: 196) The radicalisation of the situation was more evidently noticed after the new migration wave of radical communists (Mcmillen, 1981: 79) from PRC proper to Xinjiang after 1966, highlighted that the Muslim religious festivals and ceremonies were causing damage to work culture. To silence their ‘cause of concern’ a decree was passed on March 17, 1967 by which the *Eid-Ul-Duha* ritual and celebrations were cancelled on the pretext that spring plowing had entered into a critical stage and Muslim inhabitants of Xinjiang were also asked to greet each other not by Islamic obligation of ‘Asalam-u-alakum’- may the peace of Allah be upon you, but by sayings aloud in Chinese “long live Chairman Mao” (Bovingdon, 2010: 52; Mcmillen, 1979: 213).

Islam after Cultural Revolution

This contemptuous attitude towards the Muslims of Xinjiang by Hans and PRC government was by and large resented⁴⁹ and thus it was hard to wipe the Islamic culture from the lives of the people there (Goldman, 1986: 148). In fact, to protect themselves, *mullahs* went underground and continued their activities secretly or openly in areas where Muslim dominance was enormous. It was because of them that 1400 mosques were active during the period of 10 years of Cultural Revolution.⁵⁰ Sometimes, very openly to instigate the radical Hans, and sometimes very secretly they also ceremonised their festivals and associated rituals (Goldman, 1986: 148). Where CCP had not any kind of base or strength, as in many of the rural areas like in southern Xinjiang Cultural Revolution could not penetrate deep

⁴⁷ The shrines were seen by the state as a threat for revolts and people were not allowed to visit them; Dillon, 2008:177; Dillon, 2012: 375; Debata, 2007: 127; Goldman, 1986:149; Millward, 2007: 275.

⁴⁸ Which was considered as a sign of resistance; Bovingdon, 2010: 52.

⁴⁹ Uyghurs formed the resistance organizations like *Salam* under the leadership of Abdimit, a *sufi sheikh* from Khotan in 1954. Their intention was to make an Islamic state and attacked a prison camp and killed seven soldiers and seized weapons. Such disturbances remained till 1956. Other such organisations were East Turkestan People’s Revolutionary Party (ETPRP), founded in 1967-68; Dillon, 2004: 53-55.

⁵⁰ According to Bovingdon, 392 mosques remained functional in Kashgar district; Bovingdon, 2010: 66 Dillon, 2008: 177; Dillon, 2012: 375.

while in many of the northern areas the effect of Cultural Revolution was noticed and resented.⁵¹

On the whole Muslim reaction in Xinjiang was that of hatred against Han radicals and PRC government, both at local and central level. In this backdrop there was a general policy shift after the death of Mao when PRC started to review her policies in the 3rd Plenum of the Eleventh Central Committee, held at Beijing in 1978 and started the first liberalized attitude.⁵² Deng Xiaoping, therefore, made the fresh attempt to win over the alienated Muslims of Xinjiang and began an era of moderations (Christoffersen, 1993: 136). In 1980 the Xinjiang Islamic Association was re-established and Wang Enmao was once again made the First Party Secretary in Xinjiang and replaced Saifudin (Mcmillen, 1981: 83; Millward, 2007: 276-277). It was to effect a change in the attitude of government towards Muslims of China in general and accordingly for these of Xinjiang as well. Article 36 on religious affairs of new constitution, adopted in December 1982, incorporated that “the State protects normal religious activities”⁵³ which was an assertion of the Central Committee of the CCP official order of March 1982 which stated that Marxism-Leninism should be applied flexibly among the minorities (Muslims in case of Xinjiang) since it was declared for the first time, that “nationality and religion was one and the same thing” (Mackerras, 1998: 28-46).

The Muslims of China especially Uyghurs welcomed the new religious and cultural policy of CCP and henceforth started to rebuilt their culture and religious identity more freely. The natural corollary was seen in the construction of new mosques and renovation of the shrines⁵⁴ even some large ones were repaired with the help of special government finances.⁵⁵ Within a year by 1983, Xinjiang had some 12,000 mosques⁵⁶ besides around 15,000 clergy (New York Times, 15 June 1983; Goldman, 1986: 151). This reconciliation policy continued and native Muslims of Xinjiang continued to enjoy freedom of religion and thus there was substantial increase in the number of mosques- a symbol of Muslim identity and religious culture. Their number had reached to 17,000, 43,000 places were used for *Madrassas* and sufi shrines by 1990 (Dillon, 2012: 374) which further rose

⁵¹ Interviews with the mullahs, indigenous population mainly in southern city of Kashgar.

⁵² Even Hua Guofen, the care taker at the centre for three years after the death of Mao criticized the cultural revolution policies officially; Mcmillen, 1981: 83; Millward, 2007: 276-277.

⁵³ *Religion in the People's Republic of China*: Documentation, No. 10, March 1983:7.

⁵⁴ According to Bovingdon, at the end of 1981, there were 4,700 mosques in Kashgar, as against only 1400 during the Cultural Revolution present all over the province. It was because finances became available due to agricultural policy of government and the earnings of Muslims of Xinjiang allowed them to use for the construction and repairs of the mosques; Bovingdon, 2010: 66.

⁵⁵ According to Mcmillen, 27 major ones were repaired or refurbished by special government financial allocations; Mcmillen, 1984:576.

⁵⁶ Out of 12,000 mosques Kashgar had 6,180 mosques, 260 more than before the Cultural Revolution: *South China Morning Post*, quoting NCNA report, 12 December 1983.

to, by May, 2003, 23, 753 mosques a figure corresponding more than 2/3 of total mosques in China (White Paper, May, 2003; 19; Debata, 2007: 127). The construction, maintenance and renovation of mosques and shrines were sponsored by the government through financial subsidies.⁵⁷ The government also helped in the translation of Quran in the local language for those who could not read the Arabic.⁵⁸ Islamic literature once again became available to the Muslims of Xinjiang in local book shops (McMillen, 1984:576-577). Apart from domestic reasons of winning over the Muslims, PRC also started policies of spreading her influence world across and in the Muslim world as well. In addition China-Pakistan relations strengthened to such an extent that for Chinese goods and merchandise Pakistan provided a good and easy corridor to reach to the Arabian Sea and thus to the Middle East. This allowed the opening up of the southern regions to the religious and cultural influence of Pakistan after 1980 and religious literature (Rudelson, 1997: 81-82) became available and the mullahs from Pakistan started educating the Uyghurs in their *Madrasahs* (Christoffersen, 1993: 136-137). A change atmosphere was seen everywhere in Xinjiang and not only the common masses but also the Muslim cadres of the CCP were reported to have attended Friday mid-noon congregational prayers as well as occasions they attend the prayers several times a day. In May 1996, the Xinjiang Party Committee, however, barred party members and cadres from such practices and issued a dictate, "not to believe in any religion or take part in religious activities".⁵⁹ Even today people in Urumchi are seen in great numbers on Friday mid-noon congregational prayers while in the southern Xinjiang in Kashgar, Khotan, Yarkand and other rural areas the number is still higher even on ordinary days also.⁶⁰ The prayers contribute towards the upkeep of the mosques on Fridays while they also give money to the beggars after the prayers.⁶¹

The religious education in the *Madrasah* was therefore restored after 1980 where parents found it beneficial to rekindle the faith in them which were found at many localities in southern Xinjiang, like 722 in Yarkand in 1989, Kashgar, etc (Millward, 2007: 282) by the Pakistan clergy and the

⁵⁷ In 1999, government provided nearly 8 million Yuan for the repair and reconstruction of Yangchang mosque in Urumchi, Jamae mosque in Khotan and Baytulla mosque in Yining; White Paper, May, 2003: 19.

⁵⁸ Not only in Uyghur language but in 10 different languages to meet the needs of different Muslim ethnic groups; Qian, 2011: 142.

⁵⁹ CCP members may believe in Islam and attend such ceremonies as funerals, but not pray at the mosque five times a day or on Fridays; Mackerras, 1998: 30.

⁶⁰ In Urumchi people on Fridays come with prayers clothes in their hands towards mosques in huge numbers and after prayers there are traffic jams as people sell and purchase the religious materials. In Kashgar the number of people is still higher and five time prayers are performed; *Personal observations in Urumchi and Kashgar in February and March, 2012*.

⁶¹ During the field survey it was found that the mullah before the *Khutaba* named the people who contributed for the development of mosque bigger amount of money and many men and veiled women were found begging in front of Eid Gha mosque of Kashgar and mosques in Urumchi.

imported literature from there (Christoffersen, 1993: 136-137; Roberts, 2004: 226-227). Nevertheless, government allowed only small numbers of students to attend these illegal *Madrassas*, working underground in villages as well as in Kashgar, Khotan and Yarkand. Those that have been allowed by the government are still large and in fact in northern Xinjiang Turfan *Madrassas* were established by the Muslim population living in great numbers there where all age groups from small children to young ones go to get some primary education on Islam.⁶² The government has not created any hindrance on their establishment or education except when it perceives political threat or instability in the region (Mackerras, 1999:44; Rudelson, 1997: 81-82). Since the state schools are not providing any education about Islam. Therefore, *Madrassa* education whether legal or underground has became to large extent common and therefore to have some kind of control over the religious activities and mosques, government allowed opening of Islamic *Madrassa* in Urumchi, in 1987⁶³ run by the government where students are trained according to the provisions of CIA. The students from Urumchi school help the government to implement the state law and policies in the region after the completion of courses and help the state in the integration and assimilation process in lieu of payment made by the state (Mackerras, 1999: 43-44; Shichor, 2005: 128).

The relaxed environment has allowed Muslims of Xinjiang to keep fasts, celebrate Eid festivals along with rituals with joy as it was the case in the pre 1949 era (Benson & Svanberg, 1998: 109). The CCP government is giving all Muslim employees of Xinjiang government day off on the first day of the festivals.⁶⁴ In rural areas people still rare sheep for the Eid-ul-Duha obligation of sacrifice and some use these to sell them on higher prices for such ritual (Hann, 1997: 95). There are also reports that an increasing number of people are performing pilgrimage (*Hajj*) to Mecca and these are still venerated and revered in the society especially in the south⁶⁵

⁶² There are 17 schools in Uzumchilik with a total of 200 students. However government prohibits study at night but people used to send their children to the house of mullahs where they can stay overnight; Rudelson, 1997: 81-82.

⁶³ The *Madrassa* is funded by the state and substantial funds were also provided by the World Islamic Development Bank (US \$1,200,000). The curriculum is 70% based on the education of Islam and life of prophet (peace be upon him) and 30 % is on Chinese language, history, contemporary policy on religion and law. As most of the mullahs went to country side as mosque leader, they work as arbiter in some cases but according to state law. The students pay no fees and course is completed in 5 years; Black, 'et al' 1991: 310; Mackerras, 1999: 43-44; Halfon, 'et al' 2003: 17.

⁶⁴ The Government of Xinjiang make own decisions for the development of traditional ethnic culture under the provisions of national guidelines; Sautman, 1998: 88; Yu and Haibin, 2008: 13.

⁶⁵ Nine hundred and sixty Xinjiang Muslims took part in the hajj in 1989, out of total number 8,278 of pilgrims from 1984 and in 1990 first batch of pilgrimages left for hajj directly from Urumchi as previously it was done from Pakistan; Dillon, 2004: 74.

While all this revival of religiosity has been noticed by the people of Xinjiang as well by the scholars because of change of religious policy after the death of Mao, it is also a fact that what Islam has banned is also prevailing there. Say for example many Uyghurs and Kazaks Muslims besides Hui drink wine both local and imported on the parties along with Hans, dance in clubs and some even take drugs especially heroine. Most of the Uyghurs, both elders and young are seen in the bars in the evenings at Urumchi as well as Kashgar. *Mullahs* attribute it weakness in their faith, while they consider themselves true believers and drink only for the enjoyment on holidays with friends. Nevertheless they are proud to have very proud to have local beer which is extensively used along with local brands of alcohol and red wine in parties, whether official or private including in marriage parties thrown lavishly by the Uyghurs where western style dances have become popular with pop music developed locally. In fact most of "official parties" is a culture developed and founded by CCP cadres in order to develop a kind of popularism that Hans have developed over the years in order to wane the influence of Islam and has picked up throughout Xinjiang, as in marriage parties in urban areas, both in north and south in spite of the fact that in the rural areas the drinking habit is very low (Mackerras, 1994: 116; Yanji, 1991: 230-231).

Since the majority of the Han population of Xinjiang migrated from different areas of china after the formation of PRC they have faithfully not attached themselves with any faith and in essence have followed communist ideology in the letter and spirit. Accordingly during the Cultural Revolution they were in conflict with the faith followers when the government encouraged them to do so. These conflicts between the natives and migrants were thus a cause for the former to develop a kind of hatred against the latter, irrespective whether or not they strictly adhered the religion. For them drinking and dancing is just a habit to entertain themselves and relax, and thus they participate in whatever kind of parties, in large numbers, and lure the native Muslims to enjoy like them. Even though most of them do not speak Uyghur or Kazak yet many others have learned to inter mingle with locals to create a mind set in consonance with that of theirs. Therefore whatever the religious policy of government, whether for or against, these people have created their own set of culture and most often such natives are far away from Islam and Islamic fundamentals except of course taking part in celebrations associated with the faith; one would even see them going to shrines –a custom that has prevailed in the region for centuries, to proclaim themselves Muslims

The relaxations that were granted by the government in Xinjiang have also created a class of people among Uyghurs, who have used religion, more so after 1980, for uprisings against 'what they call it illegal occupation of Xinjiang by Chinese' thus seek liberation to form Eastern Turkistan. The religious awakening has taken place after missionary groups, as *dawa*

groups, from Malaysia, Pakistan and Saudi Arabia were allowed entrance in Xinjiang and such groups on the whole have taught fundamentals of Islam⁶⁶ and some of them have also interpreted *Jihad* in their own way to excite the people in the wake of Afghanistan situation after Soviet occupation there. Many of the Uyghur joined mujahaden faction of Afghanistan to fight there on behalf of Northern alliance or Taliban,⁶⁷ in particular for the latter. Such groups have posed the possibility of the infiltration of similar politico-ideological dynamics into Xinjiang (Clarke, 2011: 90). Separatist tendencies of such groups apart, anti Muslim sentiments have also played definite role increasing an atmosphere of separatism. Although there were incidents in 1980, 1981 and 1985, 1987 against the Chinese rule in Xinjiang, however, CCP government used no weapons against the agitators were used. Government also took strong action against those who wanted to incite the sentiments as happened in 1989 when protest against the book of sexual customs (*Xingfengsu*), which made some objectionable assertions about the Muslim sexual customs (Toops, 1992: 77-99) was banned and its authors and private printers were severely punished. The situation changed once Soviet Union failed to exist and Afghan *mujahedeen* gained power in their country. Separatism in Xinjiang gained some kind of momentum and demonstrations erupted in certain places there causing death of many of the Uyghur demonstrators in Urumqi, Kashgar, Khotan, Kucha, Aksu and Artush (Dreyer, 1994:50; Millward, 2004:16) and ultimately culminated into Baren incident of 1990,⁶⁸ where a group of Uyghurs criticised local government policies and started a mass protest to wage *jihad* against the Chinese to establish East Turkestan state (Dillon, 1997:133 – 148). These people used weapons and on April 6th used bombs and pistols against police and government officials.⁶⁹ The Chinese government considered this incident a well planned and highly organised operation and believed that most of the people were recruited from the prayer meetings in the mosques⁷⁰ and were helped by some foreign elements including USA (Dillon, 2004: 62) that provided them with the weapons (Becquelin, 2000: 69). Since some

⁶⁶ Improved connections of Uyghurs through Karakorum highway to Pakistan, a new highway and road link with Central Asia also played its part; Christoffersen, 1993: 136; Fuller & Lipman, 2004: 330.

⁶⁷ As number of Uyghurs were recruited in the ranks of Afghan freedom fighters and some of them after returning back started same struggle against the Chinese government; Winchester, 1997: 31.

⁶⁸ Baren is some 50 kilometres to the southwest of the great trading centre of Kashghar in Kizilsu Kyrgyz Autonomous Prefecture; Becquelin, 2000: 69.

⁶⁹ Six police officers and fifteen demonstrators were killed. Chinese officials claim that these people were given training by *mujahedeen* units in Afghanistan and also blamed foreign interference. The weapons confiscated were 16 fire arms, 15 of them were snatched from security forces, 470 bullets, 243 homemade grenades, 53 kilograms of RDX; Becquelin 2000: 69; Dillon, 1997 :137; Dillon, 2004: 62; Millward, 2007: 327.

⁷⁰ The loud speakers were used in the mosques of country side to raise the funds and virtues of jihad were praised; Yuqi, 1999: 129-131 Dillon, 2004: 62; Becquelin, 2000: 69.

Uyghurs who were living in exile in different countries like USA, Germany and Turkey also played a part.⁷¹ In 1993, a bomb exploded in Kashgar, ten persons were killed or injured and was considered by government as calculated attack on the government officials by the separatists. Same incidents happened in Gujla in 1995.⁷²

The state came heavily on these separatist activities and stepped up its control over religious activities as certain elements used religion as an instrument to create regional discord.⁷³ The state under this backdrop implemented a “three no's' policy” toward national splittists – ‘no concessions, no compromises, and no mercy’ (Clarke, 2011: 93). Because of such activities fought on the basis of religion, government banned all form of *dawat* groups coming from other countries in Xinjiang and stopped religious activities, of such *Madrassas* which were preaching *jihad* separatist tendencies (The Guardian, May. 25, 1990). All mullahs appointed by the government to lead the prayers in the mosques were asked to write loyalty letters for the CCP government in Xinjiang and other religious leaders not appointed by government were prohibited to preach Islam. Thus banning the underground activities and also enhancing the surveillance procedure including fixing cameras at vital places for complete documentation of the activities of everyone (Dillon, 2004: 73; Karrar, 2009: 74) Along with these it was ensured that all cadres of CCP did not engage in religious activity. The party also increased the reach of the state at the local level, to monitor all people by sending better party member cadres and PLA soldiers to improve the vigilance as well as train the local people to defend the unity of the nation (CCP, Document, 7; point: 3, 2, 4). It was for the first time thought, apart from curbing the religious activities that need better developmental policies to lure the native people and keep them away from separatism and thus started development schemes to the undeveloped parts of the Xinjiang especially in Southern Xinjiang for political stability. Consequently in the 9th five year plan, from 1996 to 2001 there was sharp rise in subsidies that increased from 5.9 billion Yuan in 1996 to 18.3 billion Yuan in 2001 (Karrar, 2009: 75).

Taking a new look on the policies including on religious one allowed the PRC government to curb some of the “free lancers” to preach in particular the ones who were acting against the PRC government/policies.

⁷¹ According to Karrar, the reasons behind the increased killing incidents and separatism after 1990 in Xinjiang were having Central Asian and influence of Pakistan, even Beijing also accused the USA of supporting the separatists in and outside Xinjiang; Karrar, 2009: 64-74; Isa Yusuf Alpetikin, the exiled former secretary-general of the KMT Xinjiang government between 1946 and 1948, who used Turkey as his base of activities and to make separatism more strong; Clarke 2011: 90; Milliyet, “Turkish Press on Developments”, 21 April, 1990 in *China Daily Report*, FBIS-CHI 90--080, 25 April, 1990: 69-70.

⁷² 220 people were killed according to reports: Dillon, 2004: 67-68.

⁷³ Istanbul Milliyet, “Turkish Press on Developments”, 21 April, 1990 in *China Daily Report*, FBIS-CHI 90--080, 25 April, 1990: 69-70.

Only such groups therefore operate, both domestic and foreign, more the government trusts and ensures peace is not disturbed. Even though some of the separatists ran away from the country to Turkey, Kazakhstan, Kyrgyzstan, Afghanistan etc but PRC managed arrest of some of them (from Kazakhstan, Kyrgyzstan) yet there have been found occasional demonstrations/killings.⁷⁴ Accordingly the present religious situation looks peaceful only because of the non visible surveillance of the activities of all in Xinjiang including the foreign travellers from Muslim areas of the world.

Conclusion

The PRC never banned religion of the Uyghurs except for some period in Cultural Revolution and people are free to profess their religion under the guide lines of the PRC constitution. Since after 1991, Xinjiang regained its lost geo strategic glory after the fall of Soviet Union and came under the influences that of some religious/radical elements of Pakistan, Afghanistan and especially to Central Asia, which is evident from the rise of unrest in the Xinjiang after 1990. PRC although had taken many steps to curb the separatism in Xinjiang but such activities are on the rise day by day as seen in the last two decades or so. As it is the problem of centrifugal tendencies and reasons for this historically speaking are the events in the neighbouring countries which borders with Xinjiang will have direct influence on the economically marginalised Uyghurs of Xinjiang. As people in these neighbouring countries use Islam as a political force for meeting their interested ends, same can be seen in Xinjiang where people are marginalised by the Chinese through many economic, social and migration policies. To lessen the centrifugal tendencies and influence of political Islam, PRC should address the socio-economic grievances of Uyghurs by giving them more chances in the socio-economic transformation of the region and stop migration of the Hans from inner parts of the China.⁷⁵

⁷⁴ Even Kirgizstan the home of 80,000 Uyghurs prohibited the formation of Xinjiang Uyghur Party in Exile; Even Kirgizstan the home of 80,000 Uyghurs prohibited the formation of Xinjiang Uyghur Party in Exile; Becquelin, 2000: 70; Olcott, 1996: 36.

⁷⁵ Enver Tohti: a cancer surgeon in the Railway Central Hospital of Urumchi before 1998. Alarmed by the overwhelming number of cancer patients, he determined to find out the cause. After making an undercover investigation and produced a documentary film "Death on the Silk Road" that Dr. Enver Tohti has to be exiled for his exposure of the disastrous human impact of the Chinese nuclear test in Lop Nor. Since then, over the years of campaigning, Dr. Enver Tohti has successfully brought international attention to the nuclear victims in Xinjiang. Nevertheless, after seeing how the CCP (the Chinese Communist Party) is presenting falsified image of the Uyghurs he decided to take up another challenge to campaign for the truth.

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CROSS LINE OF CONTROL TRADE: TRENDS, OBSTACLES AND OPPORTUNITIES

Faizur Rehman Ghazal Humayun Khawaja***

Abstract

This paper will examine the existing trends in Cross LoC Trade, hurdles in its sustainability and future opportunities by the direct involvement of civil society. The LoC was officially opened in 2005 for the movement of people followed by Cross LoC Trade since its closure in 1947. Its main objective was to reduce the tension between India and Pakistan over Kashmir conflict by making the borders irrelevant through people to people contact. The role of civil society in continuation of Cross LoC Trade has been promising since its inception; however, it has been a challenge for authorities on both sides of LoC as far as its sustainability is concerned because the trade stability is directly linked with the political relationship between India and Pakistan. Besides many hurdles, its economic aspect is very important as the involvement of civil society in trade activities will certainly create intoxicating power against the dominant antagonistic attitude prevailing in the region which can drive both the unfriendly states toward peaceful resolution of the conflict.

Key words: Barter Trade, Trade In, Trade Out, T&TA, SOPs, AK, J&K, LoC, MoU.

Introduction

The division of the former Princely State of Jammu & Kashmir (henceforth Kashmir) in 1947 not only divided the families of Jammu and Kashmir but also circumscribed their means of communications, trade and businesses. Due to Kashmir conflict, the most important trade route of Kashmir Valley via Chakothi to Rawalpindi and beyond was closed down. However, with the dawn of 21st century, an attempt was made to reduce the source of conflict between India and Pakistan. As a confidence building measure, the permit system was

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introduced in 2005 for the people of two sides of divided Kashmir to travel across the Line of Control (LoC) followed by Trade in 2008. The Cross LoC trade started on the basis of barter system without any proper information and lack of direct interaction between trading partners. Though there are many hurdles in Cross LoC trade yet the new development has created a new anticipation for improvement of trade relationship between two nations as well as between divided parts of Kashmir. Particularly, the economic aspects of relationship can have a political impact on both the countries to create a space for peace in this region; however, it needs a compact policy to comprehend the trade pattern through the LoC.

The purpose of this study is to analyze the trade statistics by using the primary data collected from the office of Trade and Travel Authority (T&TA) Muzaffarabad and to point out the obstacle and the opportunities of cross LoC trade. Apart from available literature, qualitative method has been applied in this study through the direct access by collecting information through one to one in-depth interviews. Around 20-30 selected interviews have been conducted with key traders in Muzaffarabad, Rawalakot/Hajira, Mirpur/Kotli and Rawalpindi/Islamabad and also the Trade & Travel Authority in Muzaffarabad has been taken on board. Triangulation technique has been used to validate the collected data from the different sources.

Cross LoC Trade

The LoC was officially opened in 2005 for the movement of the people of Kashmir since 1949 when a Cease-fire Line (renamed as Line of Control under Simla Agreement)¹ was drawn between the two parts of the former Princely State of Kashmir followed by the opening of Cross LoC Trade on 21st October, 2008.² It was the most capable progress in recent history of Indian subcontinent as both Indian and Pakistani governments have recognized that the importance of economic collaboration which could make the LoC irrelevant for economic and human exchanges that might be a useful instrument in deciding this sixty seven years old conflict.³

¹ The 740 kilometers long Line of Control (LoC) divides the two parts of former princely State of Jammu & Kashmir (Azad Jammu & Kashmir, Gilgit-Baltistan under Pakistani control and Jammu & Kashmir under Indian control). Originally known as the Cease-fire Line which was established in 1949, however, it was re-designed with some changes as the Line of Control under the Simla Agreement in 1972.

² During the United Nations General Assembly session in New York in September 2008, Pakistani President Asif Ali Zardari and Indian Prime Minister Manmohan Singh agreed (in a sideline meeting) to implement the previously reached understanding to allow trade across the LoC.

³ It was the part of General Musharraf formula as a solution to the Kashmir conflict who moved it later in 2006:

a) Self-governance or autonomy not independence, (b) Demilitarization from the region in a phased manner (if violence goes, peace returns), (C) Irrelevant borders (means free movement of people across the LoC and trade between India and Pakistan and between the

The governments of Pakistan and India have allowed Kashmiri traders to merchandise only twenty one (duty free) items, all of which are primary products produced within the geographical confines of former State of Kashmir.⁴ Out of these 21 items, there are certain merchandises in the list of tradable items which could not be carried out, such as saffron and furniture are its examples. The reason behind Saffron was that there was sign of impurity in it that is too grim to detect in normal conditions, while the reason of furniture was that, “there is lack of acquaintance about the samples and quality.”⁵

Apparently, it seems that Cross LoC trade was initiated to encourage the local Kashmir-based products, however, the framed Standard Operating Procedures (SOPs) are perplexing as far as its promotion is concerned as Indian SOPs indicate that all those items listed in the agreed list would be allowed to be traded subject to the condition that products of third country origin would not be allowed to be traded.”⁶ It is clearly mentioned that the items/products produced in third country (including Pakistan) would not be allowed in cross LoC trade, however, it did not reference anything about the items manufactured in India. That is why Ginger was banned by Jammu & Kashmir authorities (Indian Held Kashmir) authorities because it was imported from China to Pakistan and “*Traded Out*”⁸ to J&K without removing the Chinese labels on it. In Pakistani SOPs, there is no clear policy statement regarding the products of third country origin.⁹ It seems that Pakistan has deliberately left this flexibility in its SOPs.

AJ&K Cross LoC Travel and Trade Authority

In the beginning, Civil Administration was responsible to conduct this trade activity. In order to homogenize this business activity, under

two parts of Kashmir), (D) Joint management of Kashmir (comprising representatives from India, Pakistan and both parts of Kashmir to supervise the common interests like trade, tourism, and river waters etc.

⁴ The list includes carpets, rugs, wall hangings, shawls and stoles, namdas, gabbas, embroidered items, furniture, wooden handicrafts, fresh fruits, saffron, aromatic plants, fruit bearing plants, black mushrooms, Kashmiri spices, rajmah, honey, paper mache products, foam mattresses, cushions/pillows and quilts, and medicinal herbs.

⁵ Personal interview with Khawaja Abdul Samad Shad, Cross LoC Trader, Muzaffarabad, 16th September 2012.

⁶ On 4th July 2012, the Indian Home Affairs Ministry issued new SOPs via circular No.13015/01/2011-K.III, to elucidate these bans. According to clause (a) of the new guidelines: “The Agreed List of items of trade would be respected by all the authorities handling cross LoC trade. All those items, listed in the Agreed List would be allowed to be traded subject to the condition that products of third country origin would not be allowed to be traded.” Available on: <http://kashmirilife.net/trans-loc-trade-the-new-sop/>

⁷ The term AK will be used for Azad Jammu and Kashmir under Pakistani administration while J&K will be used for Indian administration part of Kashmir.

⁸ The term is being used for items traded from Azad Kashmir to Jammu & Kashmir.

⁹ Rehman, F., and Amna, A., *AJ&K Standard Operating Procedures for Cross LoC Trade*, Mercy Corps Pakistan, Islamabad 2013, p. 2.

Ordinance V of 2009, which was issued on 4th March 2009, Azad Kashmir Government established an authority called “AJ&K Cross LoC Travel and Trade Authority (T&TA).”¹⁰ The T&TA became functional from March 2010. There is no such designated authority like T&TA in the Indian held Kashmir, however, the Deputy-Commissioner of the concerning district along with the representatives of the different government departments supervises concerned trading points.¹¹

This trade was activated from two routes, Chakothe-Slamabad and Tetrinote-Poonch through trucks.¹² It was also decided that instead of import and export, the terms “Trade Out” (items traded from Azad Kashmir to Jammu & Kashmir) and “Trade In” (items traded from Jammu & Kashmir to Azad Kashmir) will be used. “The main reason for using this terminology was to avoid the Indian plan to recognize LoC as an international border because imports and exports are always carried out across the international borders. So, at the same time we wanted to promote the trade between these two parts of Kashmir and maintain the status of LoC as conversion of LoC into an international border is against the Pakistan principal stand on Kashmir.”¹³

Data Analysis

The data used in the present study has been obtained from the record of T&TA offices based in Muzaffarabad and Trade Facilitation Office in Chakothe and Tetrinote, respectively. The record from trade registers was converted into digital format with the help of a team of students of Institute of Kashmir Studies, University of Azad Jammu and Kashmir Muzaffarabad, which is now available with comprehensive details of each trading session, traded items, their quantity and prices in the official data base system of T&TA till January 2013.

Trade Volume

The total trade volume as per record of T&TA has been 28.276 Billion (PKR), out of which 15.72 Billion has been *Traded Out* and 12.550 has been the volume of goods *Traded In* since 2008, Therefore, the Trade Out is approximately 25% more than the Trade In. The Trade Out from Chakothe has been 12.238 Billion, whereas from Tetrinote, it was 3.488 Billion. The

¹⁰ AJ&K Cross LoC Travel and Trade Authority Ordinance V of 2009, No. LD/Legis./198-213/2009, 4th March 2009.

¹¹ AJ&K Standard Operating Procedures for Cross LoC Trade, P. 2.

¹² Agreed Outcomes of the Meeting of Joint Working Group on Cross LoC CBMs, New Delhi, 22nd September 2008, P. 1.

¹³ Personal interview with Brigadier (R), Mohammed Ismael, Director General, T&TA, Muzaffarabad, 31st December 2012.

Trade In from Chakothi was 10.393 Billion, while from Tetrinote, it was 2.157 Billion. The trade Statistics is summarized in figure 1 below.

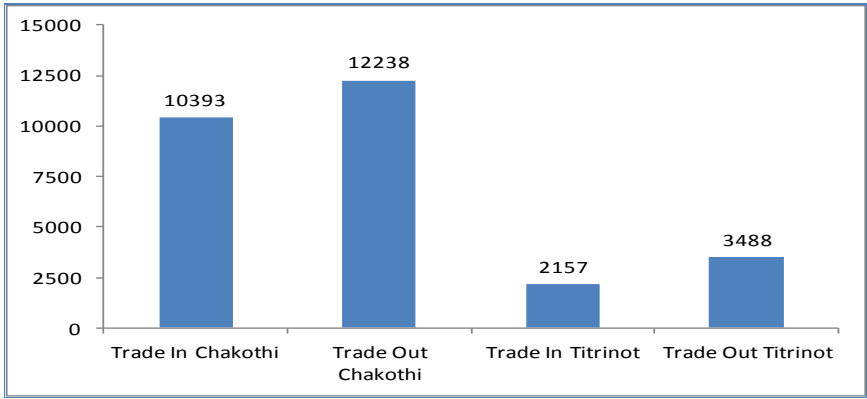


Fig. 1: Total Trade Volume (Million PKR), August 2008 to January 2013.

Figure 2 summarizes growth in trade for the period 2010-12. It can be observed that annual trade volume has shown tremendous growth despite many difficulties and hurdles. It is observed that the trade of certain goods was banned during this period; however, despite all these problems, the trade volume in 2010 was 5037 Million which increased to 12616 Million in 2012. Therefore, the annual trade volume was increased by 150%. However, the trade observed relatively slow growth from Tetrinote and the total increase in trade from this trade point was about 18%.

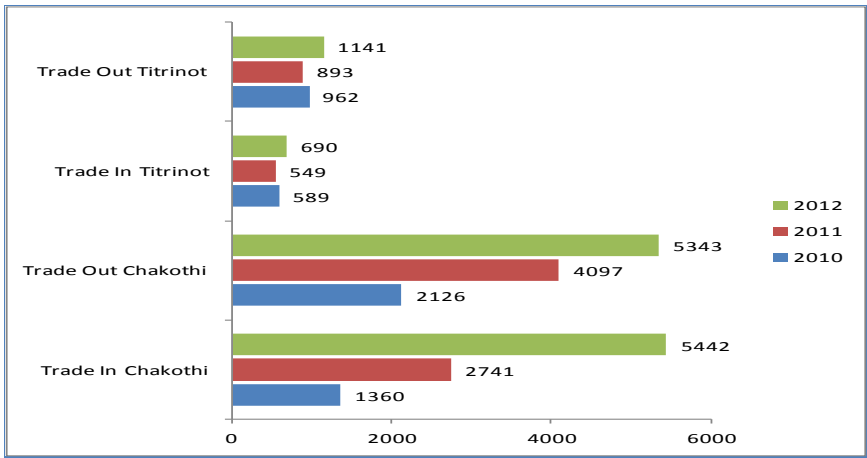


Fig. 2: Annual Trade Volume, (Million PKR), 2010-2012.

Trade Volatility

A time series plot of trade volume is given in figure 3. It can be noticed that the trade volume is volatile and changes a lot from month to month, for example, the *trade out* form Chakothi during March 2011 was over 1 Billion PKR but in June 2011, it was less than 100 Million. The trade from Tetrinote was also volatile and monthly trade volume changes a lot.

The volatility is directly linked with the political scenarios and relationship between India and Pakistan. Whenever political and diplomatic relationships between two nations become tense, it affects the cross LoC trade adversely. However, in the pleasant atmosphere, trade volume rises as by the end of 2011, the news about granting India the status of “Most Favorite Nation” was the top story which lasted positive effect on trade volume.

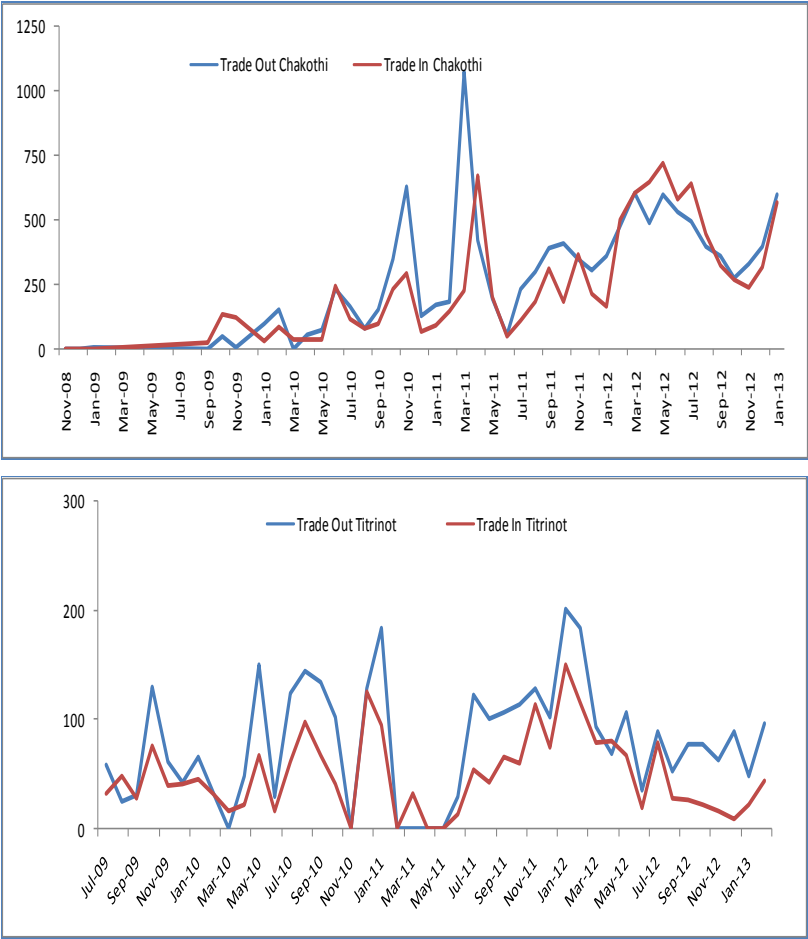


Fig. 3:The Trade Volume (Million PKR): Time Series Graph.

Composition of Trade

Table 1 summarizes value (million PKR) of different items *traded out* from the two trading points. The largest share in the trade out items corresponds to dry fruit which comprises 64% of the total trade from Chakothi and 71% of the total trade from Tetrinote. There are certain goods in the list of tradable items which were not traded practically, for example, there was no trade of precious stones, Gabbas, Namdas and black mushroom from Tetrinote.

Table 1: Share of Tradable Items in Actual Trade Out

	Chakothi		Tetrinote		Total	
	Volume (million PKR)	%age	Volume (million PKR)	%age	Volume (million PKR)	%age
Rice	8.05	0.07%	17.25	0.49%	25.30	0.16%
<i>Ja-e-NamazTusbies</i>	81.99	0.67%	0.99	0.03%	82.97	0.53%
Precious Stones	7.45	0.06%	0.00	0.00%	7.45	0.05%
<i>Gabbas</i>	0.00	0.00%	0.00	0.00%	0.00	0.00%
<i>Namdass</i>	0.00	0.00%	0.00	0.00%	0.00	0.00%
Peshawari Leather <i>Chappals</i>	12.63	0.10%	9.55	0.27%	22.18	0.14%
Medicinal Herbs	324.79	2.65%	338.16	9.70%	662.96	4.22%
Maize & Maize Products	0.63	0.01%	0.60	0.02%	1.23	0.01%
Fresh Fruits & Vegetables	1964.06	16.05%	292.26	8.38%	2256.32	14.35%
Dry Fruits including Walnuts	7903.04	64.58%	2488.87	71.36%	10391.91	66.08%
Honey	160.45	1.31%	0.00	0.00%	160.45	1.02%
<i>Mungi</i>	1.76	0.01%	287.80	8.25%	289.56	1.84%
<i>Imli</i>	0.00	0.00%	1.71	0.05%	1.71	0.01%
Black Mashrooms	2.10	0.02%	0.00	0.00%	2.10	0.01%
Furniture Including Walnut Furniture	1.26	0.01%	0.41	0.01%	1.67	0.01%

Wooden Handicrafts	0.31	0.00%	0.00	0.00%	0.31	0.00%
Carpets and Rugs	736.41	6.02%	0.39	0.01%	736.80	4.69%
Wall Hangings	8.02	0.07%	0.00	0.00%	8.02	0.05%
Embroidered Items	631.22	5.16%	46.17	1.32%	677.39	4.31%
Foam Mattresses, Cushions & Pillows	48.43	0.40%	0.23	0.01%	48.66	0.31%
Shawls and Stoles	345.18	2.82%	3.58	0.10%	348.75	2.22%
	12237.78	100%	3487.98	100%	15725.76	100%

Table 2 summarizes the share of different items in the items traded from J&K to AK. The largest share in the trade in items is of Kashmiri spices (54%), followed by fresh fruits (21%) and dry fruits (11%). This implies that most of the trade from both sides of LoC consists of fresh and dry fruits and spices. Total trade of fresh and dry fruits and spices is about PKR 23540 Million which is 83% of the total trade.

Table 2: Share of Tradable Items in Actual Trade In

Trade In	Chakothi		Tetrinote		Total	
	Volume (million PKR)	%age	Volume (million PKR)	%age	Volume (million PKR)	%age
Carpets	0.26	0.00%	0.01	0.00%	0.28	0.00%
Rugs	0.23	0.00%	0.10	0.00%	0.33	0.00%
Wall Wangings	0.20	0.00%	0.00	0.00%	0.20	0.00%
Shawls and Stoles	7.87	0.08%	4.25	0.20%	12.13	0.10%
Namdas	0.05	0.00%	0.00	0.00%	0.05	0.00%
Gabbas	0.00	0.00%	0.00	0.00%	0.00	0.00%
Embroidere d Items	953.41	9.17%	78.54	3.64%	1031.96	8.22%
Furniture Including Walnut Furniture	0.86	0.01%	0.00	0.00%	0.86	0.01%
Wooden Handicrafts	0.02	0.00%	0.00	0.00%	0.02	0.00%

Fresh Fruits & Vegetables	2223.88	21.40%	1014.02	47.01%	3237.90	25.80%
Dry Fruits including Walnuts	1181.80	11.37%	698.01	32.36%	1879.81	14.98%
Saffron	2.13	0.02%	0.00	0.00%	2.13	0.02%
Aromatic Plants	14.57	0.14%	0.20	0.01%	14.77	0.12%
Fruits Baring Plants	0.00	0.00%	0.00	0.00%	0.00	0.00%
Dhania, Moongi, Imli& Black Mashrooms	173.49	1.67%	65.07	3.02%	238.56	1.90%
Kashmiri Spices	5568.74	53.58%	206.70	9.58%	5775.44	46.02%
Rajmah	48.94	0.47%	22.23	1.03%	71.17	0.57%
Honey	0.34	0.00%	0.15	0.01%	0.49	0.00%
Paper Mache Products	18.84	0.18%	0.00	0.00%	18.84	0.15%
Mattresses, Cushions, Pillows & Quilts	0.48	0.00%	0.00	0.00%	0.48	0.00%
Medicinal Herbs	196.63	1.89%	67.85	3.15%	264.48	2.11%
	10392.74	100%	2157.13	100%	12549.87	100%

The trade statistics reflect that the actual trade is taking place only in few items and most of the items in tradable list are not traded across LoC. The items with largest share in trade are summarized in tables 3 and 4.

Table 3: Top 6 Trade Out Items

Trade Out	Chakothe		Tetrinote		Total	
	Volume (million PKR)	%age	Volume (million PKR)	%age	Volume (million PKR)	%age
Dry Fruits including Walnuts	7903.0	64.58%	2488.8	71.36%	10391.9	66.08%
Fresh Fruits & Vegetables	1964.0	16.05%	292.2	8.38%	2256.3	14.35%
Carpets and Rugs	736.4	6.02%	0.3	0.01%	736.8	4.69%
Embroidered Items	631.2	5.16%	46.1	1.32%	677.3	4.31%
Medicinal Herbs	324.7	2.65%	338.1	9.70%	662.9	4.22%
Shawls and Stoles	345.1	2.82%	3.5	0.10%	348.7	2.22%
All others	333.0	2.72%	318.5	9.13%	651.6	4.14%

Table 3 lists 6 items which formulate more than 95% of the total trade. Similarly, table 4 summarizes the goods *Traded In* which comprise more than 99% of the total trade.

Table 4: Top 6 Trade In items

Trade In	Chakothe		Tetrinote		Total	
	Volume (million PKR)	%age	Volume (million PKR)	%age	Volume (million PKR)	%age
Kashmiri Spices	5568.74	53.58%	206.70	9.58%	5775.44	46.02%
Fresh Fruits & Vegetables	2223.88	21.40%	1014.02	47.01%	3237.90	25.80%
Dry Fruits including Walnuts	1181.80	11.37%	698.01	32.36%	1879.81	14.98%
Embroidered Items	953.41	9.17%	78.54	3.64%	1031.96	8.22%
Medicinal Herbs	196.63	1.89%	67.85	3.15%	264.48	2.11%
<i>Dhania, Moongi, Imli & Black Mashrooms</i>	173.49	1.67%	65.07	3.02%	238.56	1.90%
All others	94.78	0.91%	26.94	1.25%	121.73	0.97%

The trade statistics reveals that the actual trade is taking place only in few items, while there is a need to reconnoiter the potentials of auxiliary trade items on both sides of LoC and the list of tradable items needs to be stretched accordingly.

One of the explanations of limited number of traded goods is the lack of access to each others’ markets. Therefore, the existing Cross LoC trade is a blind trade in its nature as the traders are unable to observe the samples of goods that they are trading. Conceivably, due to this reason, the range of traded items has been reducing day by day and the trade is concerted only in few items. The share of dry fruits in trade out items was about 62% in 2010 which increased to 72% in 2012.

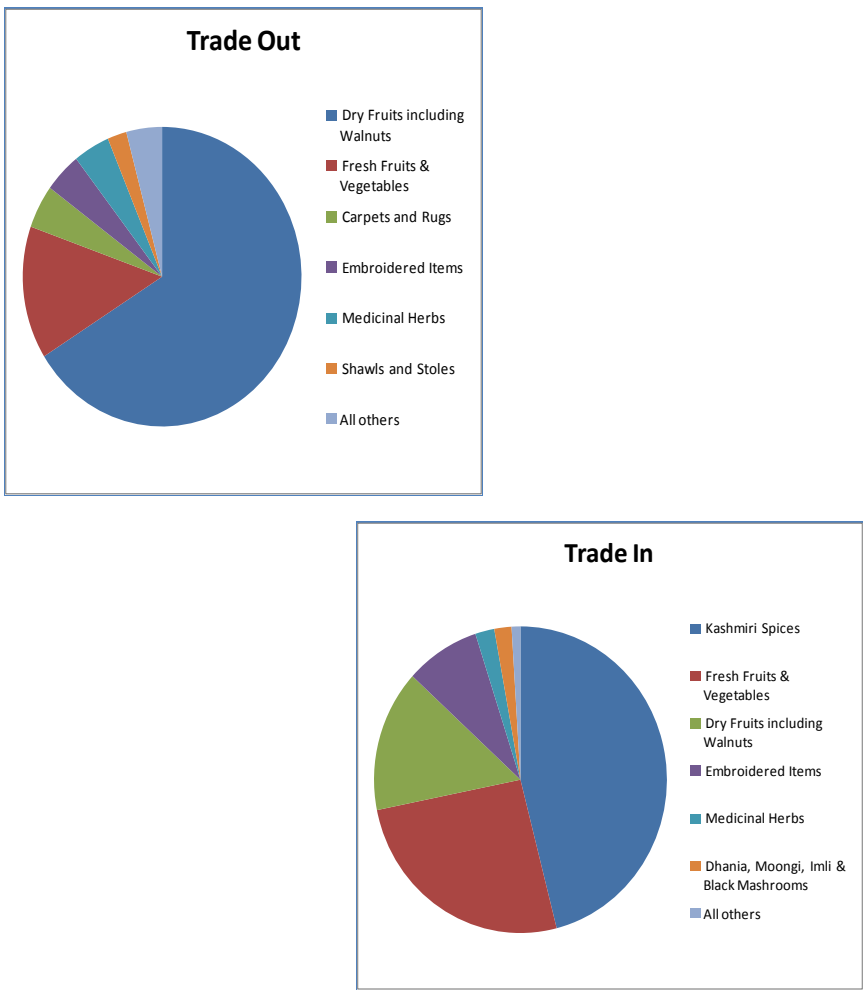
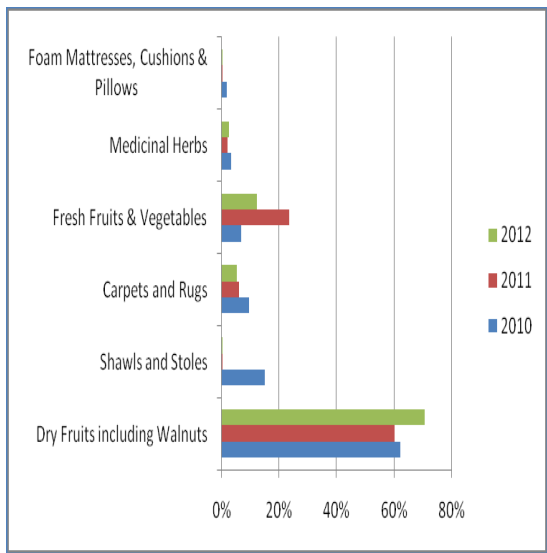
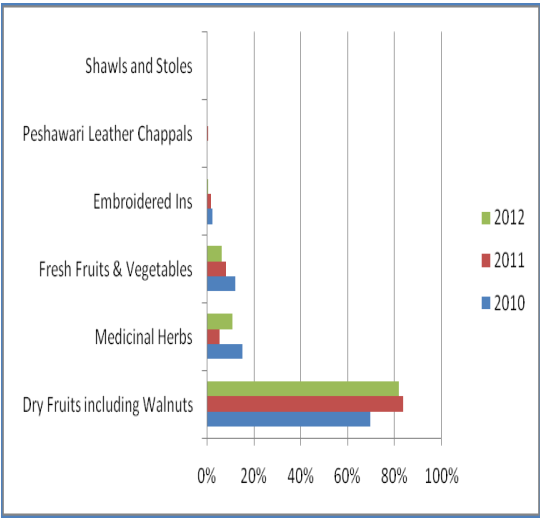


Fig. 4: Composition of Trade Items.

The above mentioned tables depict that the least traded commodities in 2010 have further declined in the following years and the trade concentrated more on limited items.



TRADE OUT



TRADE IN

Fig. 5: Composition of Trade over Time, Chakothi.

Table 5: Share of Top 6 Items in Total Volume of Trade

	Trade Out Chakothi	Trade Out Tetrinote	Trade In Chakothi	Trade In Tetrinote
2010	96.46%	99.74%	98.53%	98.62%
2011	96.52%	99.91%	96.69%	96.40%
2012	98.68%	99.85%	98.04%	96.55%

Table 5 shows share of top 6 items in the total volume of trade. It can be noticed that the share of top 6 items in trade out from Chakothi was 96.46% in 2010 which increased to 99% in 2012. This shows that the trade is becoming more concentrated around few items and the diversity of trade is reducing.

The Complexity of Cross LoC Trade

Issues relating to the origin and destination of the goods have made this trade very complex as the two countries have the authority to remove any item from the tradable items. For instance, the J&K authority has banned the *Trade Out* of Ajvane from AK to J&K because it was counted as part of spices, not as herbals; while spices are enlisted in “*trade in*” items. Ginger was banned because it was imported from China to Pakistan and “*traded out*” to J&K.¹⁴

Pakistan banned Daal Moongi (Green Gram) in 2011. Authority claimed that the decision was taken due to the shortage of Green Gram as it is a settled principle that in case of scarcity in any item, its trade would be suspended partially and when the production gets normal, its trade would be re-continued.¹⁵ On the other hand, traders do not accept the official explanation because Green Gram is available in a large quantity in Pakistan but its trade has not yet been started.¹⁶ Commenting on the issue, the Director General (DG) Trade and Travel Authority (T&TA) said: “Though Daal Moongi is a profitable item, yet any item that included in the trade list would be banned if its price goes up by 25 percent. These days, the price of Green Gram has gone very high from Rs. 15 to Rs. 120 per kilogram (price logged by almost 800 %).”¹⁷

The traders once again rejected the statement and tried to justify their stance that the position of the goalpost can’t be changed once the match is started. “We have already *Traded In* the products from J&K to AK against Trading Out the Green Gram but due to the ban on Green Gram from authorities, we will have to suffer as Green Gram has been a highly

¹⁴ Indian Home Affairs Ministry SOPs via circular No.13015/01/2011-K.III.

¹⁵ Personal interview with Brigadier (R), Mohammed Ismael, Director General, T&TA.

¹⁶ Personal interview with Sardar Kazim Khan, Member T&TA Management Board: MaaJee Traders, Hajira, 3rd November 2012.

¹⁷ Personal interview with Brigadier (R), Mohammed Ismael, Director General, T&TA.

profitable business (about 12% of the total trade) since its inception.”¹⁸ Similarly, Pakistan Government has imposed a ban on banana and coconut, which are profitable items for traders; however, traders alleged that Government has issued the order only to save the local trader in big cities like Karachi and Lahore.¹⁹ Officials in Muzaffarabad claimed that Indian authorities have also banned some of the trading items in the list like dates and Almond (Badaam).²⁰ It looks like a culture of ‘tit for tat’ is dominant but it affects traders a lot.

Barter Trade System

The trade across LoC is allowed on barter system which is a reciprocal exchange of goods without involving currency. The barter system is a formidable type of trade which requires double co-incidence of wants for trade. Barter trade dealings can grow only when two traders across the LoC exchange the goods which are profitable on each other’s sides.²¹ However, due to the absence of common measure of value, the cross LoC barter system is facing many hurdles. Particularly, in the monetary economy, money plays its role in measuring the value of all goods while this role is absent in a barter economy, however, its negative impact can be curtailed if the traders have the opportunities to visit each other’s markets. Therefore, it is hard to assess and gauge the weight, quality and prices of the item and there is no guarantee of equal return and recovery of discrepancy amount from counterparts across the LoC, which is a big snag in this kind of trade.²²

Commenting on the nature of LoC trade, Syed Javed Hussain Gillani said: “the barter system is double blind in a sense that the traders are not able to review the sample of goods that they are trading nor they have the opportunity of direct interaction to settle the disputes and decide good comparison of their own requirement.”²³ Similarly, Mubarrak Mahmood Awan holds that “if we trade out one truck from AK, it could be profitable for us. However, it is possible that in return, the items coming from across the LoC (trade in) would be non-beneficial for us and we would face inconvenience in it as the prices of some specific items could be less here.”²⁴

¹⁸ Personal interview with Sardar Azeem Khan, Cross LoC Trader, Midarpur Hajira, 3rd November 2012.

¹⁹ Ibid.

²⁰ Personal interview with Brigadier (R), Mohammed Ismael, Director General, T&TA.

²¹ It is usually bilateral but may be multilateral (as sometimes trade mediated through barter organizations) and usually exists parallel to monetary systems in most developed countries, particularly when the currency may be either unstable.

²² Personal interview with Sardar Azeem Khan.

²³ Personal interview with Syed Javed Hussain Gillani, Cross LoC Trader, Muzaffarabad, 16th September 2012.

²⁴ Personal interview with Mubarrak Mahmood Awan, Cross LoC Trader: Pak Kashmir Traders, Muzaffarabad, 16th September 2012.

This kind of business can only be successful if a person in Azad Kashmir has close relatives in Jammu & Kashmir and both the relatives agree to trade goods for each other and then it will be beneficial for both parties. People are of the view that the relatives are trusted in this kind of trade; otherwise, it is a big risk to put a big amount of money in a blind way.²⁵ Due to the absence of trusted partner on either side of Kashmir, it makes a clear sense that the new people are unable to step into the cross LoC trade.

Non-existence of Appropriate Communication

One of the prime impediments in the trade across the LoC is the lack of proper communication between traders. They do not have opportunities of meeting with each other except in the meetings at the trade crossing points and even they are not allowed to share the sample of products they are trading. Therefore, it is very challenging to decide which item should be bought or sold.²⁶ Traders are fully dependent on their counterparts across LoC. In Azad Kashmir side, there is a telephone facility available to the AK traders to contact their counterparts on the other side of the LoC, however, there is no such direct facility provided to the traders on the Indian authorities. So, the traders of J&K have to make their business deal through their agent based in Delhi.

Traders from both sides of LoC conduct monthly meetings at crossing points.²⁷ The main purpose of these types of meetings is to settle the traders' payment issues and complications regarding the trade/trade-items. These meetings are held once a month on agreed date and time arranged by both designated authorities.²⁸ These meetings at crossing points from both sides are conducted under the supervision of Trade Facilitation Officer (TFO) in coordination with Army, Intelligence Agencies, Police officers and traders. However, traders are not allowed to get involved in any kind of agreement/Memorandum of Understanding (MoU) regarding the cross LoC trade.²⁹

Lack of role of Financial Intermediaries

Currently, the financial intermediaries like banks play a vital role in the international trade. The banks facilitate trade system by the letter of credit which insures the trading partner for payment of his subscriptions as in the

²⁵ Ibid.

²⁶ Personal interview with Kashan Masood, President LoC Trade Council: Al Masood Traders, Hajira, 3rd November 2012.

²⁷ Personal interview with Shakoor Hussain, Assistant Director T&TA, Muzaffarabad, 28th March 2013.

²⁸ Ibid.

²⁹ Ibid.

absence of direct approach to each other's market. Traders need a trustable trade partner on the other side of the LoC which is itself very challenging task. There is a heavy risk of default and non-payment in this barter system. If a merchant from one side of LoC sends goods for his counterpart on the other side of LoC and if after receiving goods, his counterpart escapes or does not confer him imbursement, there is no system of its return. In fact, there are number of such complaints in this direction.³⁰

Despite invoices, authorities from both the sides do not help in the return of payment as both the governments could not develop any mechanism to deal with payment issues. It is almost impossible to get the money reimbursement if the trade partner on other side of LoC declines to pay. In some cases, the J&K based traders in Pakistan also suffer as Dr. Wali Rasool (Rawalpindi-Islamabad based intra-Kashmiri trader) elucidates that the blind trade is very serious jeopardy for the J&K-based traders who moved to Pakistan after the 1988. About 90 percent of them had been involved with Kashmir movement and they have no system to re-enter into Kashmir to clear their business disputes if their business partners escape. However, the LoC traders from Azad Kashmir and J&K have the prospect to approach their business partners on either the side of the LoC by getting the visa if the need arises. However, this is not an easy business.³¹

In practice, there is no legal cover or support provided to the cross LoC traders and there is no legal framework available to deal with these disputes. This is because cross LoC trade is not considered as international trade; rather, it is just a part of Confidence Building Measures (CBMs) in which both the governments have to maintain the status of LoC and continuation of trade at the same time.³² Mian Khalid Rafiq, the President of Chamber of Commerce Mirpur, says that it is a blind trade which involves several threats. Actually, Intra-Kashmir Trade was established to develop tranquility and linkages between people of two sides of divided Kashmir, but as a result of cynicism in trade, it is slowly going to transform into antipathy. If it is a part of CBMs, then there are very little probabilities of its success as it is interconnected with the Kashmir Conflict.³³

The role of Joint Chamber of Commerce (JCC) becomes important as JCC can fill this gap by mounting pressure on the Indian and Pakistani governments to allow banks to open branches in all the main cities across the LoC. It is also imperative that JCC should organize seminars on the importance of cross LoC trade in all the main cities including Srinagar,

³⁰ Personal interview with Syed Ejaz Shah, Cross LoC Trader, Al-Syed Enterprises, Islamabad, 9th November 2012

³¹ Personal interview with Dr. Wali Rasool, Cross LOC Trader, Business Hub, Islamabad, 9th November 2012

³² Ali, S., *Cross LoC Trade-Success Against All Odds*, Mercy Corps Pakistan, Islamabad, July 2012, p 13

³³ Personal interview with Mian Khalid Rafiq, the President of Chamber of Commerce, Mirpur, 11th January 2013

Jammu, Ladakh, Poonch, Mirpur, Muzaffarabad, Rawalakot, Hajira and Kotli on quarterly basis.³⁴

Taxation Structure

Under the agreement between India and Pakistan, it is zero tariff trade, however, T&TA in consultation with AK traders, charges Rs. 3000.00 (three thousand) per truck (one-sided) as handling charges and Rs. 500.00 (Five hundred) as Quarantine charges at Tetrinote (Rawalakot-Poonch) and Chakothi (Chakothi-Salamabad) trading points, respectively. All this money collected from traders goes to the T&TA account. On top of these charges, district administration charges Rs. 500.00 (five hundred) on each truck as district tax. Traders claim that there is no reason for charging the district tax as it increases the cost of items.³⁵

It is an illegal activity as under the agreement, it is zero tariff trade and traders are reluctant to pay this extra payment as Mubarak Awan cries, “we pay all this money without any receipt, which is like a jagga tax (forced money)”.³⁶ T&TA condemned it as it is the traders who do not collect the receipt.³⁷ Syed Ejaz Shah revealed that the Kashmiri traders on the other side of the LoC pay just Rs. 2000.00 per truck and the J&K Government is taking special interest and are committed to stimulate the intra-Kashmir trade as it has reserved Rs. 200 million for the construction of terminal on trading point.³⁸ DG T&TA expressed that prior to the institution of T&TA (4th March 2009), Government of Pakistan had allocated about Rs. 200 million for the improvement of basic infrastructure, however, this money was not spent on the factual purpose.³⁹

Role of Trade and Travel Authority

The Trade and Travel Authority (T&TA) was established hypothetical to expedite the trade between two parts of divided Kashmir, however, many businessmen consider it as one of the main hurdles in this trade. Officers of T&TA allot numbers to the traders or list them. Sardar Kazim Khan claimed that “in order to make this trade successful, local traders send the vehicles on their own and continue trade even sometimes at very confrontational trade season but when profitable business starts, the officers of T&TA send new

³⁴ Personal interview with Kashan Masood, President LoC Trade Council: Al Masood Traders, Hajira, 3rd November 2012

³⁵ Ibid.

³⁶ Personal interview with Mubarrak Mahmood Awan, Cross LoC Trader: Pak Kashmir Traders, Muzaffarabad, 16th September 2012

³⁷ Shakoor Hussain, Assistant Director T&TA

³⁸ Personal interview with Syed Ejaz Shah, Cross LoC Trader, Al-Syed Enterprises, Islamabad, 9th November 2012

³⁹ Brigadier (R), Mohammed Ismael, Director General, T&TA

and unknown people (usually their own preferred individuals) to the crossing points with their names on top of the list and the local traders could scarcely catch themselves on the bottom part of the list, which is very disheartening for us.”⁴⁰ Approximately 100 traders are concomitant with Titrinote LoC trading point but sometimes 200 traders reach the crossing points, most of them are unknown to the native traders. Javed Iqbal Bhatti disclosed that out of around 1200 registered traders, only about 100 traders are active in LoC trade.⁴¹

Mahmood Akhtar Kakur grumbled that approximately 80 percent Pakistani and Indian traders are related with this trade through their proxies and there is a need to discourage these commission agents.⁴² It is pragmatic that these transitory or seasonal traders are favorites of T&TA officers who are the recipients of this trade. T&TA officials have declined all the allegations and articulated that in cross LoC trade, issuance of “list of traders” is on the basis of merit.⁴³ However, it has been reported that in some cases, most of the proxy traders sell their priority numbers to other traders against reasonable money.⁴⁴ Therefore, contamination in the system of T&TA is an immense problem for the traders associated with LoC trade. Consequently, traders call on strikes for their rights which results in the snarl-up of trade, causing another detriment to the local traders.⁴⁵ Mahmood Ahmed Dar endorsed that “we had to face the cases under anti-terrorist activities when we called on the strike against the orders of former chief secretary of Azad Kashmir.”⁴⁶ Dr. Wali Rasool also criticizes the role of T&TA as LoC trade agreement assigns responsibility to Trade and Travel Authority (T&TA) to improve the existing standard policies and procedures and formulate a new mode for the settlement of claims and disputes between the traders and take steps to improve the ongoing trade & travel, however, it could not achieve its objective yet.⁴⁷

Trade Vulnerability

The cross LoC trade is very fragile in its nature as it is directly interrelated with the Indo-Pak seriousness towards peace. Incidence in any part of the region cause stoppage of the trade as it happened on 17th of

⁴⁰ Sardar Kazim Khan

⁴¹ Personal interview with Javed Iqbal Bhatti, Cross LoC Trader, Chinar Enterprises, Islamabad, 9th November 2012

⁴² Personal interview with Mahmood Akhtar Kakur, Cross LoC Trader, Mahmood Enterprises, Islamabad, 9th November 2012

⁴³ Brigadier (R), Mohammed Ismael, Director General, T&TA

⁴⁴ Personal interview with Shafiq Chaudhry, the President of Chamber of Commerce, Kotli, 11th January 2013

⁴⁵ Personal interview with Asad Mubarak, Cross LoC Trader: Abdullah Traders, Midarpur Hajira, 3rd November 2012

⁴⁶ Personal interview with Mahmood Ahmed Dar, Cross LoC Trader, Mahmood Trading Corporation, Islamabad, 9th November 2012

⁴⁷ Dr. Wali Rasool

January 2014 in which Indian authorities arrested a truck driver carrying goods as part of 50 trucks convoy from Chikothi (AK) to Salamabad (J&K), which caused the suspension of all cross-LoC trade and bus services for at least two weeks. The J&K authorities alleged that the driver was carrying some narcotics while in a counter reaction, Azad Kashmir Government has also held 27 Indian truck drivers carrying trade consignment and demanded release of their arrested driver.⁴⁸ It seems to be a part of mistrust as both the parties alleged each other for using the negative tactics in mounting barriers in cross LoC trade.

Lack of Access to Markets

There is no local market and dry port in Azad Kashmir. Therefore, goods reach Pakistani markets through Azad Kashmir and then after repacking, these items once again reach the cities in Azad Kashmir, making the goods expensive and not expedient for the local people in Azad Kashmir.⁴⁹ This is one of the reasons that common population is not much enthusiastic in this trade.⁵⁰

Opportunities

The direct interaction between the members of civil societies across the LoC through trade and travel can play an affective role as part of confidence building measures between India & Pakistan. Kashmir issue has a political dimension and as such needs a political settlement. The main difficulty with regard to resolving the conflict in Kashmir lies not in the stakes involved but in the patterns of attitude and behavior that have developed over six decades. With the opening of all the historic routes including Mirpur-Naushara, Tithwal-Chilhan, Gurez-Astore-Gilgit, Chumb-Pallanwalla, Kargil-Skardu and Kotli-Rajori, the people to people contact will improve the economic and peaceful atmosphere of the region as it has been noticed that the intensity of the militancy in Kashmir declined since its inception.⁵¹ The involvement of sizeable number of people who have been actively participating in the Kashmir movement since 1988 is a positive gesture towards the peace efforts by diverting their attention towards the economic activities.⁵²

⁴⁸ Daily Dharti, Rawalakot, 29th January 2014, p 1

⁴⁹ Personal interview with Sardar Azeem Khan, Cross LoC Trader, Midarpur Hajira, 3rd November 2012

⁵⁰ Personal interview with Mahmood Bilal, Member of civil Society, Muzaffarabad, 9th November 2012

⁵¹ Bharadwaj, P. C., *Kashmir State of Militancy – Northern Command Appraisal*, Security Trends South Asia, 2009, Delhi

⁵² Dr. Wali Rasool

The economic phase of relationship will have a political impact on both the countries as we have a model of Sino-Indian relationship where despite the war of 1962 and border tension, the size of bilateral trade has been growing and neither side wants conflict since its initiation.⁵³ The economic activity across the LoC and between India and Pakistan and beyond will develop the concept of Commonwealth of SAARC economic market on the pattern of Euro Union.⁵⁴ Secondly, hassle free trade will evolve economic complementarities and will help in the development of comparative advantage between the two parts of erstwhile state of Jammu and Kashmir. As a result, cost of production will stay at lower level for the larger benefit of people in the region. Thirdly, the soft and hard infrastructure and communication between different parts of the State will be developed swiftly which would be helpful in exploring and utilizing the natural resources of the region.⁵⁵

Conclusion

The trade and travel across LoC has re-opened the venues for interaction and mutual understanding, that is why, the trade is welcomed by the Kashmiris more than expectations. It can be analyzed from the trade statistics that despite all types of bottle-necks, the trade volume is showing consistent growth and if the restrictions on trade are reduced, the trade volume may increase manifold. The economic and peace-building potential of the cross LoC trade cannot be overstated. Particularly, the people to people collaboration between the divided families and the involvement of civil society in trade activities will certainly create hallucinogenic force against hostile mindset prevailing in South Asian region as Kashmir conflict has affected implausible human and economic costs. The new approach in Indo-Pak relations has provided an opportunity to the policy makers to revisit their policies and to use cross LoC trade as a mean of reconciliation. There is a growing optimism that the greater economic interdependence would act as a facilitator for enhancing the conflict by creating a durable, indigenous constituency that can drive the two neighboring countries toward the peaceful resolution of the conflict.

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⁵³ Dixit. J. N., *India-Pakistan in War and Peace*, Routledge Publishers, New York 2002

⁵⁴ Personal interview with Jusrtice (R) Javed Iqbal., Muzaffarabad, 10th November 2013.

⁵⁵ Personal interview with Dr. Atiqur Rehman, Assistant Professor, International Islamic University Islamabad, 2013.

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CLIMATIC TRENDS AND ITS IMPACT ON AGRICULTURE OF KHYBER PAKHTUNKHWA

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Abstract

United Nation's climate change report 2013-14 authenticates, if temperature around the world increased by 2 °C, global economic output could downswing by 2 % a year. Pakistan hierarches amid the 20th most climate vulnerable countries over the last 30 years, stated by a British risk assessment consultancy, Maple croft in 2010. Pakistan has endured harsh droughts of 1990's and sporadic floods of 2010, as the consequences of climate change. Climate fluctuations in Pakistan is observed in terms of declined crop productivity in important crops. Pakistan agricultural statistics (2013-14) shows that agricultural growth rate of important crops has dropped from 7.4 % in 2011-12 to 2.3 % in 2012-13. Likewise, the mega floods of 2010, has drastically dripped agricultural production of Kharif and Rabi crops. Khyber Pakhtunkhwa agricultural statistics showed a drop of Rabi (wheat) output of 1565 Kg/hector in 2008-09 to 1520 Kg/hector in 2009-10 and Kharif (maize) crop output from 1880 kg/hector in 2008-09 to 1783 kg/hector in 2009-10.¹

This research paper aims, to quantify the changing climate impact in various ecological regions of Khyber Pakhtunkhwa, in terms of agricultural crop output. Khyber Pakhtunkhwa, by ecological landscape can be divided into three regions i.e. the Northern, the central and the southern regions. The study investigates that climate change impact is severe in the southern region of the province. Central zone is facing a moderate impact and the northern region has a positive climate impact.

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¹ *Agricultural Statistics of Pakistan. (2010-11). Retrieved from www.pbs.gov.pk.*

This paper attempts to assist the concerned authorities in future management and monitoring against the changing climate. Management must deal different ecological regions with different policies and perspectives. These might include efficient water management strategies, early warning systems against floods and the necessary agricultural inputs as biodegradable heat and drought resistant seeds and ecofriendly pesticides and insecticides.

Key words: Agriculture, Climate Change, Crop Production, Ecological Regions

Introduction

Climate change is a phenomenon induced by the greenhouse gaseous (GHG) emissions. The GHG emissions are the consequence of deforestation, fuel combustion, industrialization and urbanization on one hand and solar energy, temperature and precipitation patterns variations on the other.² It is a menace to life which largely intrudes snow cover, forests, agriculture, vegetation, water resources, coastal regions, freshwater habitats, and geological processes of melting, land sliding, floods and desertification. These have long-lasting effects on human wellbeing and food sanctuary.³

Global food security is correlated with agriculture, and agriculture is vulnerable to climate change. Higher temperatures encourages weeds and pests outburst and eventually reduces crops yield. Variation in precipitation patterns declines long-run productions and escalates the short-run crop malfunction. Even though, crops production in some regions of the world might increase, but overall negative impacts are expected to be realized by climate change.⁴

The global issue of climate change is debated on all plate forms i.e. scientific, economic, social or political. Prevention must be ensured to safe guard the climate from further damage. A need arises on society to comprehend climate, the causes of climate change and its influence on agriculture and economy. In order to draw the supreme authority attention, various climate impact assessment reports are presented by different organizations and agencies. A glimpse of the literature concerning climate change impact is briefed below:

Cline wonderfully enlightens the impact of climate change on global agriculture. His prime argument in this book is that increased yield of crops

² Upreti, D.C., Rising atmospheric CO₂ and Crop Productivity. *Japan Journal. Crop Sci.*67(3), 1998, pp. 394-395.

³ Malla, G., Climate Change and its Impact on Nepalese Agriculture. *The Journal of Agriculture and Environment. Nepal Journal.*Vol:9, Review Paper:62. 2008, pp.62-65.

⁴ Nelson, G.et.al., *Climate Change-Impacts on Agriculture and Cost of Adaptations.* International Food Policy Research Institute. Washington 2009, pp.4-6.

as suggested by others, are not the result of global warming. He verified his disagreement by comparing different countries current and projected average temperatures and precipitation values. He argued that global warming might be positive for some countries but for developing countries it is displaying negative impacts. He further suggested that the use of carbon fertilizers, heat and drought resistant crops can help in reducing the global warming impact.⁵

Smith, et al (2007), also debated the impact of climate change on agriculture. The transcript explains the significance of agriculture to human life. The author augments that agriculture occupies 40-50% of world's land surface. It engages about 1.3 billion people globally, and in return feeds the world. Agriculture sector consumes about 87% of underground water and is accountable for 4% of global gross domestic product. The author further discloses the fact that global greenhouse emissions have increased by 17% from 1990 to 2005 that has subsequently reduced the per hector crop yield.⁶ Multiple suggestions are provided for coping with greenhouse gas emissions and increasing the agricultural productivity. These include well prepared agricultural land, fertilizers and livestock management. They further recommends that enhancing the importance of organic feed, elimination of fossil fuel based fertilizers and gradual reduction in inorganic livestock, help in reducing methane gases emissions. They also stressed on the importance of agricultural research and development for agricultural knowledge and technology transfer.

Pervez et.al (2010), also carried out a study on climate change impact on Pakistan's agriculture. The study objective was to observe the impact of climate change on Pakistan's wheat crop, as it is one of the primary food crops of the country. The analysis was done by adopting the vector auto regression (VAR) model. The study considered annual data from 1960-2009 and predicted the climate trends of wheat production for the period of 2010-2060. The study founded no significant increase or decrease in the wheat crop production. However, depending upon the changing climate, the crop production situation might get worse in near future. The study has also suggested crop adaptation and mitigation techniques for sustaining future climate variability.⁷

Climate change impact on wheat crop production in the province of Punjab is proved in a study conducted by Baig et.al (2011). The purpose of

⁵ Cline, W., *Global Warming and Agriculture: Impact Estimates by Country*. The Peterson Institute for International Economics, 2007.

⁶ Smith et.al., *Agriculture*. In *Climate Change. The fourth Assessment Report of Intergovernmental Panel on Climate Change*. Cambridge University Press, United Kingdom 2007.

⁷ Pervaz et. al., *Impact of Climate Change on Wheat Production: A Case Study of Pakistan*. *PIDE Journal*, 2010. Retrieved from <http://www.pide.org.pk/psde/pdf/agm26/day3/Pervez%20Zamurrad%20Janjua.pdf>

the study is to examine climate variable i.e. the mean maximum temperature, mean minimum temperature and mean rainfall impact on wheat production in Punjab province. The study finds that climate change has quantifiable impacts on wheat output at its various germination stages i.e. at sowing, vegetation and maturity.⁸

Ashfaq et.al (2011), conducted a study on the impact of climate change on wheat crop in the mixed zones of Punjab. The study aimed to observe temperature and rainfall impact on wheat production at sowing, vegetation and maturity stages. The analysis period ranges from 1980-2009. The ordinary least square technique was incorporated for this analysis. The study findings indicated that climate variable shows two sided impacts on crop production. On one hand, rise in maximum temperature at vegetation stage put negative impact on crop production and on the other hand minimum temperature at sowing stage and maximum temperature at maturity stages have positive impact on wheat production. Rainfall also shows positive impact on the wheat crop production i.e. increase in rainfall increase wheat crop production at its various germination stages.⁹

Climate impact on the important agricultural crops i.e. sugarcane, rice, cotton and wheat, in the Punjab region is estimated by Rehana et.al (2012). This study has considered the climate effect at four germination stages of each crop. Time series data for the period 1980-2008 was incorporated for this study. District-wise panel data analysis was done using fixed effect model. The study results revealed that climate variables puts positive impact on wheat crop production the study results are non-positive in case of sugarcane, rice and cotton.¹⁰

Samreen et, al (2014), conducted a study on the assessment of regional climate impact on the production of two seasons crops in Khyber Pakhtunkhwa. The analysis reviled the variation in production of rabi and kharif crops in relation to the specific region environmental variables. Moreover, region specific regression results of each climatic region proved the influences and impacts of climate change on Khyber Pakhtunkhwa agriculture.¹¹

Pakistan's agricultural sector is prone to sporadic environmental conditions. Issues concerning vulnerability to extreme climate conditions

⁸ Baig, et al., Impact of Climate Change on Heat Productivity in Mixed Cropping system of Punjab. *Soil Science Society of Pakistan*. 30(2), 2011, pp. 110-114.

⁹ Ashfaq, et al., Impact of Climate Change on Wheat Productivity in Mixed Cropping System of Punjab. *Soil Environ*. 30(2), 2011, pp. 110-114. Retrieved from www.se.org.pk.

¹⁰ Rehana, et al., The Impact of Climate Change on Major Agricultural Crops: Evidence from Punjab, Pakistan. *The Pakistan Development Review* 51(4), 2012, pp. 261-276.

¹¹ Samreen et.al. *Empirical Assessment of Region Specific Climate Impact on Crops Production In Khyber Pukhtunkhawa, Pakistan* (Author's paper), 2014. Retrieved from www.academia.edu.

ought to be tackled, to save the country's agricultural sector and sequentially its national economy. This study is unique in detecting the climate trends in various environmental ecological zones of the country i.e. Khyber Pakhtunkhwa. Moreover, this study gives a comprehensive comparison of different climate change patterns among the various ecological regions of the province and reckoning its impact on Pakistan's agriculture sector.

Materials and Methods

Khyber Pakhtunkhwa (KP) is the area selected for this study. It was formerly named North West Frontier Province (NWFP). It is amongst the regions in Pakistan, stricken hardly by the mega floods of 2010. KP has twenty five (25) districts. Khyber Pakhtunkhwa (KP) province has a versatile weather and a unique topography. Its climate ranges from the dry rocky and hot sandy plains in the south to the snowy peaks and lush green forests in the north. KP, according to its climatic variability, can be divided into three ecological zones i.e. the southern, the central and the northern zones. Various districts are selected from these ecological zones to evaluate the regional climatic impact on the two season's crops i.e. Rabi and Kharif. Below is given the Khyber Pakhtunkhwa map to foster explanation.

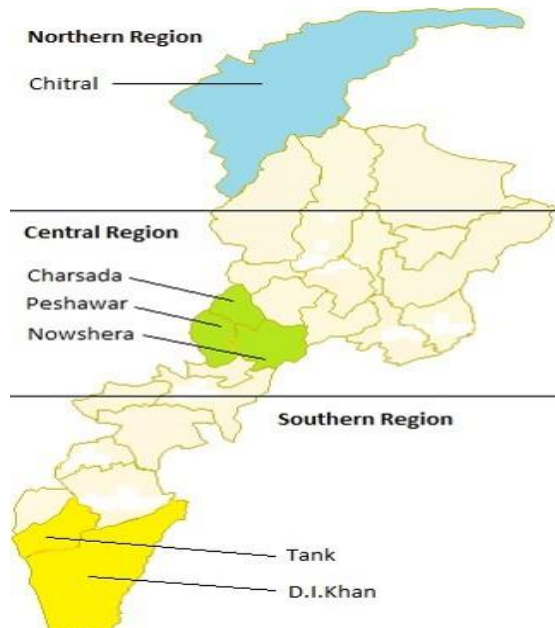


Fig. 1: Khyber Pakhtunkhwa Three Climatic Regions
Sources: Khyber Pakhtunkhwa Maps (2012)

The data collected is secondary in nature. The thirty years (1981-2010), secondary data of the districts mentioned in above graph is collected from the various public organizations i.e. Pakistan Metrology Department, Federal Bureau of Statistics. District Chitral is representing the northern zone, district Charsadda, Nowshera and Peshawar represents the central zone whereas district Tank and Dera Ismail Khan is representing the southern regions of KP.

This research study analyzes the KP crop productivity by two methods. First by the time series trends technique (Malla. 2008). The climate trends analysis of the various KP ecological zones with respect to the overall Khyber Pakhtunkhwa. It helps in clearly depicting the climate change trend over the last thirty years in the two cropping seasons.

The second method of analysis is the panel data regression technique. The purpose of carrying out another analysis is to evaluate the climate variables impact in measurable terms. Each region climate variables along with the crop production statistics are unique. Separate regression analysis is carried out at regional level to capture this impact.

The general form of the model used in this analysis is given below:

Crop`s Productivity = f {Area sown, Climate variables, Climate variables squares}

In equation form;

$$P = \beta_0 + \beta_1 A + \beta_2 T_m + \beta_3 N + \beta_4 N^2 + \mu$$

Area Sown (A) = Area sown under Rabi and Kharif crops

Crop`s Productivity (P) = Rabi and Kharif season Output. Wheat is taken as Rabi (winter) crop and Maize as Kharif (summer) Crop

Climate variables = Mean temperature(T_m) and average Rainfall (N)

Square of Climate = Square of average Rainfall (N^2)

Results and Discussion

Climate variables as mean temperature and rainfall effects on crop productivity is analyzed in two different ways. A brief description of each is given below.

The Trend Analysis

The Regression Analysis

Trend Analysis

Trend analysis is a technique, mostly conducted by the environmentalist to check the weather trends of a specific region. The purpose of this analysis is to check if climate variability is observed in Khyber Pakhtunkhwa, over the last 3 decades. Moreover, this analysis helps in the observation of climate variation at different regions of the province

The climate change trends of the two cropping seasons of KP is observed by taking the climate variables of rainfall, maximum temperature, minimum temperature and mean temperature. It is then further compared with the three sub-regions i.e. northern, central and southern regions of KP. The subdivisions of the trend analysis are as under;

- i. Rainfall Trend
- ii. Maximum Temperature Trend
- iii. Minimum Temperature Trend
- iv. Mean Temperature Trend

i. Rainfall Trend Analysis

The first part of the environmental trend analysis comprises of the rainfall analysis. This analysis is further divided seasonally as the kharif and rabi rainfall trends of the province. Below is given the detailed analysis of each cropping season trend.

(i) Kharif Rainfall Trend

Kharif Rainfall trend analysis is done by taking the average rainfall values of the kharif season, maize crop, i.e. July, August and September, on Y-axis against the time period on X-axis. Below figure shows four trend lines. The solid line is giving the KP rainfall trend. This shows an increasing trend of rainfall over the thirty year period. The trend analysis shows the increase in overall KP kharif rainfall is up to 11mm. The small dotted line is showing northern zone kharif rainfall trend. There is a slight increase in the rainfall pattern over the thirty year period. This analysis demonstrates an increase in 4mm of rainfall. Similarly, the dashed line in the below figure is depicting the kharif rainfall trend of central region. A steep rise is observed in the central region rainfall over the analysis period. This rise is equivalent to 38mm of rain approximately. Similarly, the southern kharif rainfall trend is seen by a dash and a dot line. This is also depicting the increased rainfall trend up to 19mm.

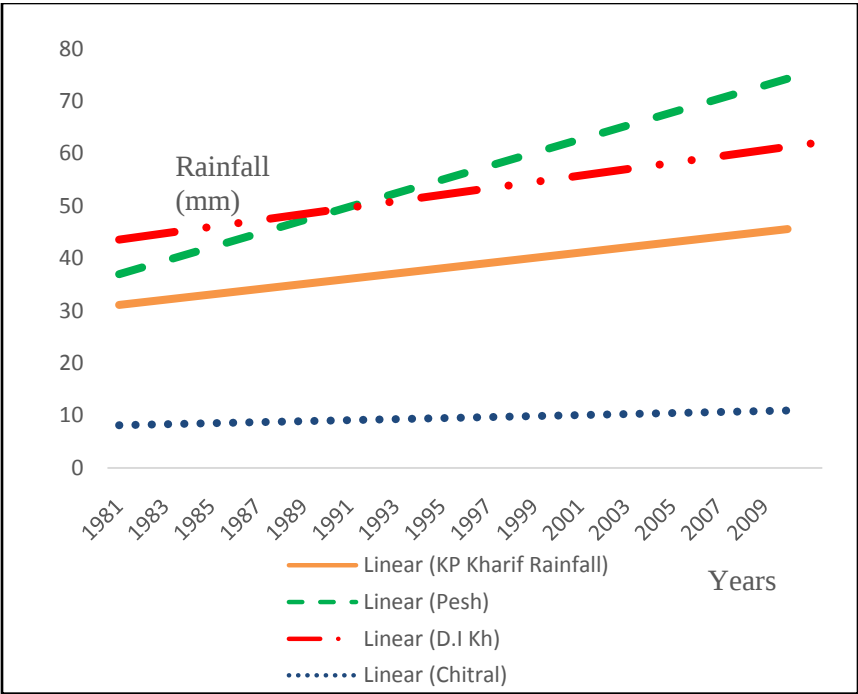


Fig. 2: Kharif Rainfall Trend

All this analysis shows that kharif rainfall has been increased over the thirty year period and much of this increase is observed in the central KP. This clearly explains the untimely rains and flood events in the central part of the province.

(ii) Rabi Rainfall Trend

Rabi rainfall trend analysis is done by taking the average rainfall of the rabi season, wheat crop, i.e. November, December, January, February, march and April. It is then plotted against the time values i.e. years. The figure 3 below is showing the four trend lines. Just like the previous graph, KP trend analysis is shown by the solid line, the northern region by dotted line, central region by dashed trend line and southern region by dash-dotted line. For instance figure 3 depicts an increase in rabi rainfall trend over the period in the whole province. A greater increased trend is seen in the central region of the province i.e. approximately equivalent to 25mm. The northern region and overall KP is showing and increase in rainfall trend of 15mm each, whereas the southern trend line is almost constant at 3mm, with no distinct increase.

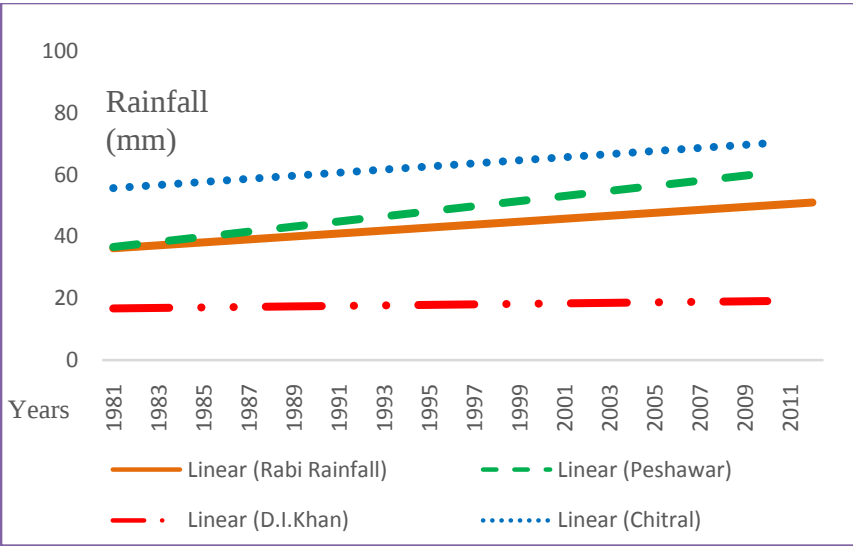


Fig. 3: Rabi Rainfall Trend

ii. Maximum Temperature Trends

The second part of the trend analysis constitutes the maximum temperature analysis. This analysis is further divided into the kharif and rabi cropping seasons. Below is the brief explanation of the trend analysis.

(i) Kharif Maximum Temperature Trend

Kharif maximum temperature values is obtained by taking the average of the kharif cropping months maximum temperature values. It is plotted year-wisely to plot its trend line for the thirty year period. The figure 4 below explains the situation. There are four trend lines in the figure. Similar to the rainfall analysis the trend line for the overall KP, the northern KP, the Central KP and the southern KP is plotted by a solid, dotted, dashed and dash-dotted lines respectively.

Figure 4 of the kharif maximum temperature analysis shows mixed result. The two KP regions i.e. the central and the southern region is showing a decreasing trend. Whereas, the northern region of the province is depicting an increasing trend of 0.7 °C in the kharif cropping month.

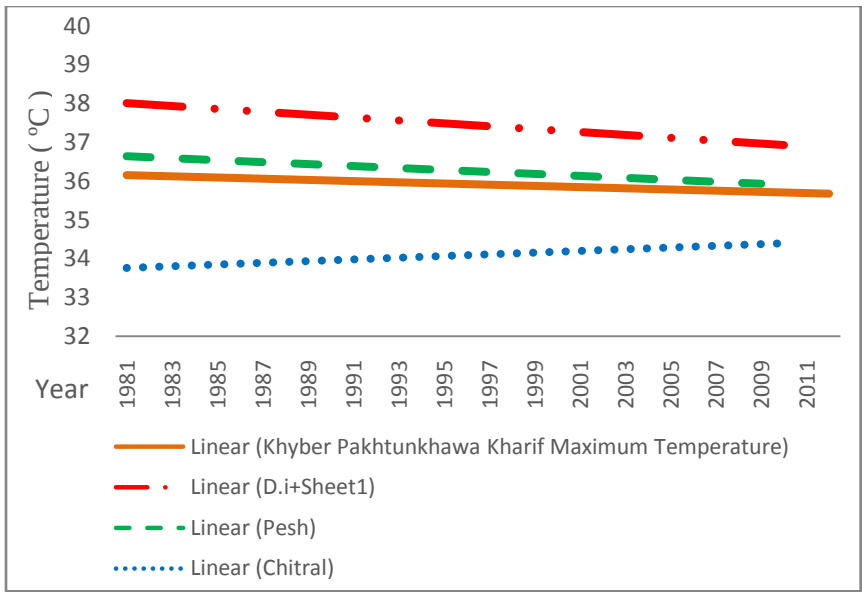


Fig. 4: Kharif Maximum Temperature Trend

The increased maximum temperature is virtually observed in the form of melting glaciers and increased runoffs i.e. its negative impact. As a positive impact maximum temperature has increased the agricultural productivity at the KP northern part.

Similarly the decreased maximum temperature trend of 0.6°C, 1.3°C and 0.6°C at the central, southern and in the overall KP is respectively observed. Along with the other factors effecting crop output, this can also be attributed to the low crop productivity i.e. by immature kharif crops. This also explains the shifting in the kharif crop sowing and harvesting timing.

(ii) Rabi Maximum Temperature Trend

Rabi maximum temperature trend is obtained by taking the average maximum temperature of the rabi season of the respected region. The figure 5 portrays an increased maximum temperature trend in the rabi season in the whole province over the thirty year period. The trend line for the overall KP, the northern KP, the Central KP and the southern KP is plotted by a solid, dotted, dashed and dash-dotted lines.

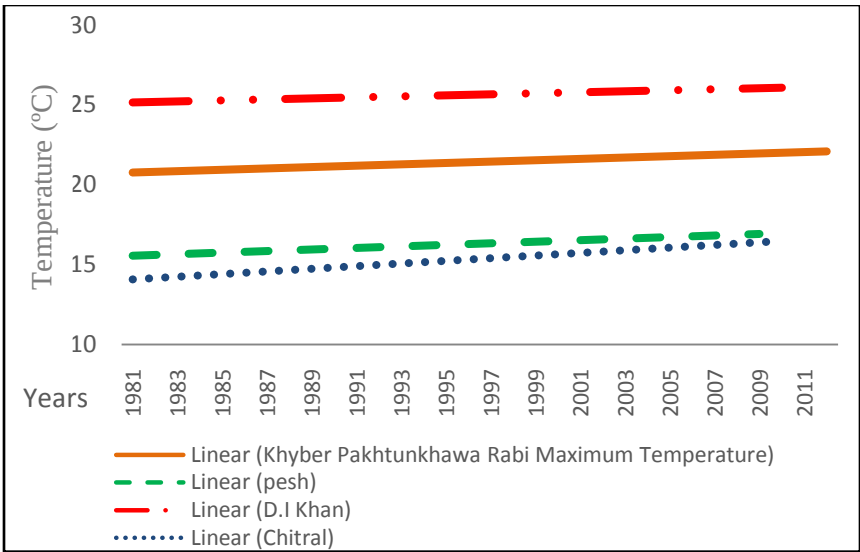


Fig. 5: Rabi Maximum Temperature Trend

The three trend lines of Overall KP, the central region and the southern region shows an almost same degree increase. Moreover in mathematical terms KP increased maximum temperature trend is 1°C, central region as 1.3°C and southern region shows 0.7°C increase. The increased maximum temperature explains the short crop cycle, malnutrition and small sized crop grains in the central and southern part of the province. For instance, the northern region shows an increased maximum temperature of about 2.5°C. In case of northern region, it is putting favorable impacts in terms of crop productivity at the northern regions whereas the alarming fact of 2.5°C increase in rabi maximum temperature is accelerating the glaciers outbursts and melting.

iii. Minimum Temperature Trend

This section constitutes the minimum temperature trends of various Khyber Pakhtunkhwa regions in there kharif and rabi cropping seasons.

(i) Kharif Minimum Temperature Trend

Kharif minimum temperature trend is obtained by taking the average minimum temperature of the kharif cropping months of different regions separately. Figure 6 below shows the minimum temperature trend of different regions and the overall KP. The trend line for the overall KP, the northern KP, the central KP and the southern KP is plotted by a solid, dotted, dashed and dash-dotted lines respectively.

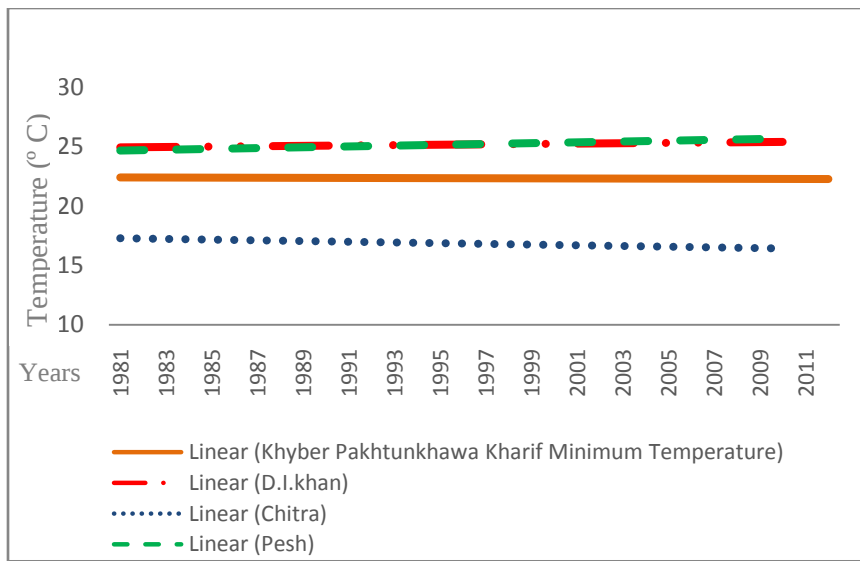


Fig. 6: Kharif Minimum Temperature Trend

The figure 12 above shows two overlapping lines, these are the central and southern region trends. It is showing an increase of 0.7 and 0.8 degree centigrade in minimum temperature of central and southern region respectively. In case of northern region the minimum temperature has shown a decreasing trend of 1.3 °C. The overall KP kharif minimum temperature is showing a slight increase of 0.2 °C.

(ii) Rabi Minimum Temperature Trend

Rabi minimum temperature trend is shown in figure 7. The trend values are obtained by taking the average minimum temperature of the different regions at the rabi cropping months. Below figure shows four trend lines. The dotted line depicts the northern region trend, the dashed line shows the central region, the dash-dotted line explains the southern region trend and the solid line shows the overall KP rabi minimum temperature trend. The figure shows an overall increase in the rabi minimum temperature trend.

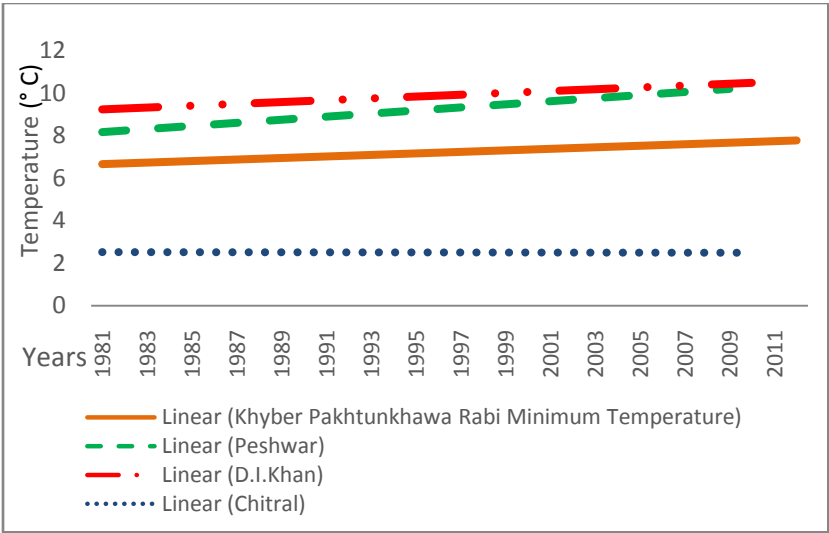


Fig. 7: Rabi Minimum Temperature Trend

The overall KP Rabi minimum temperature is showing a marked increase of 2°C in minimum temperature. The central and southern minimum temperature is also showing a 1.2°C and 1.6°C respective increase. The minimum temperature increase is among the reasons of short crop cycles, pests and weed infestation and unproductive yields. In case of northern region no change is observed in the minimum temperature of rabi cropping season.

iii. Mean Temperature Trend

The fourth and last part of the analysis comprises of the mean temperature trend. The mean temperature values are obtained by taking the average of the maximum and minimum temperature of different KP regions. It is analyzed according to their respective cropping season. Below is the details of the analysis.

(i) Kharif Mean Temperature Trend

Kharif mean temperature trend values are obtained by taking the average of kharif month’s minimum and maximum temperature. Kharif mean temperature trend is shown in figure 8 below. A decreased trend is observed in the overall kharif mean temperature. The northern, southern and overall KP trend line shows a decreasing trend of 0.3°C. These lines are represented by the dotted, dash-dotted and the solid lines respectively. The dashed line representing central region is depicting no change in the kharif mean temperature.

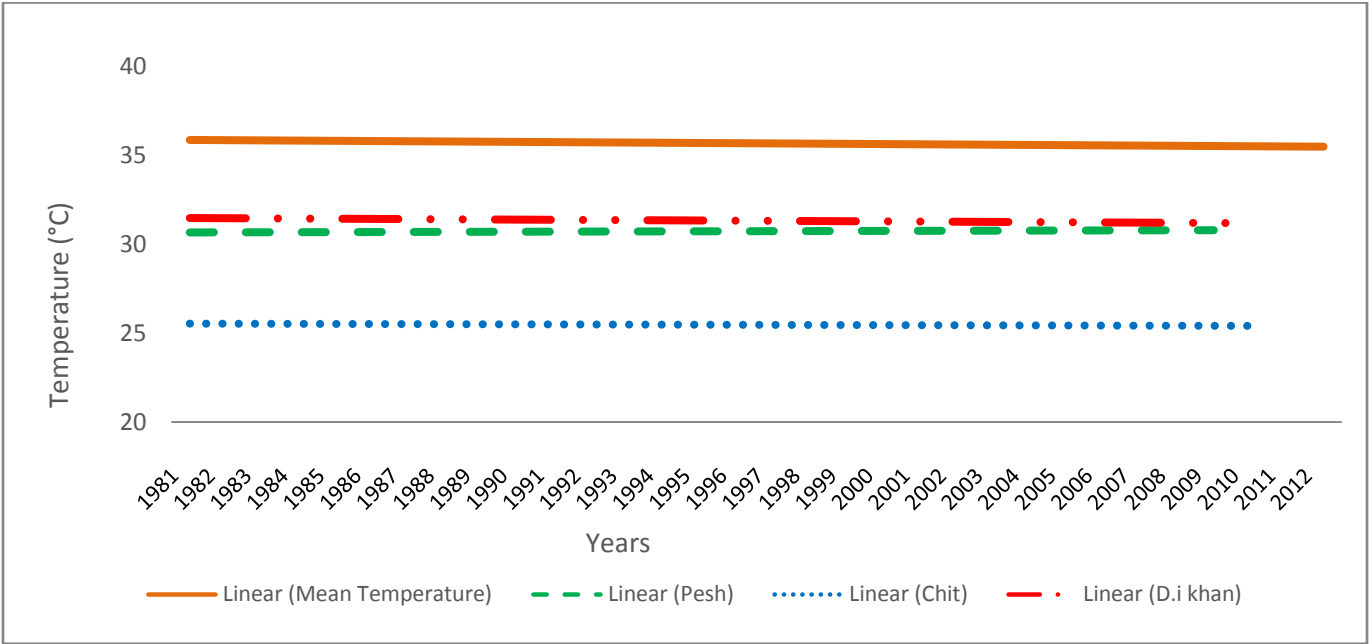


Fig. 8: Kharif Mean Temperature Trend

(ii) Rabi Mean Temperature Trend

Rabi mean temperature values are obtained by taking the average of the rabi maximum and minimum temperature. Figure 9 of the trend analysis is portraying the variation in the mean temperature of various KP regions. The increased trend values are obvious from the figure below.

The detailed calculation of the trend analysis shows that the northern region trend line, as seen by dotted line, is showing an increased trend of 1°C. The central region trend line i.e. the dashed line, is showing and increased trend of 1.2°C. The southern region trend line i.e. the dash-dotted line, is also showing and increased trend of 1.1°C. Moreover, the overall trend line of KP, as depicted by solid line, is showing an increase of 1.2°C in its mean temperature trend.

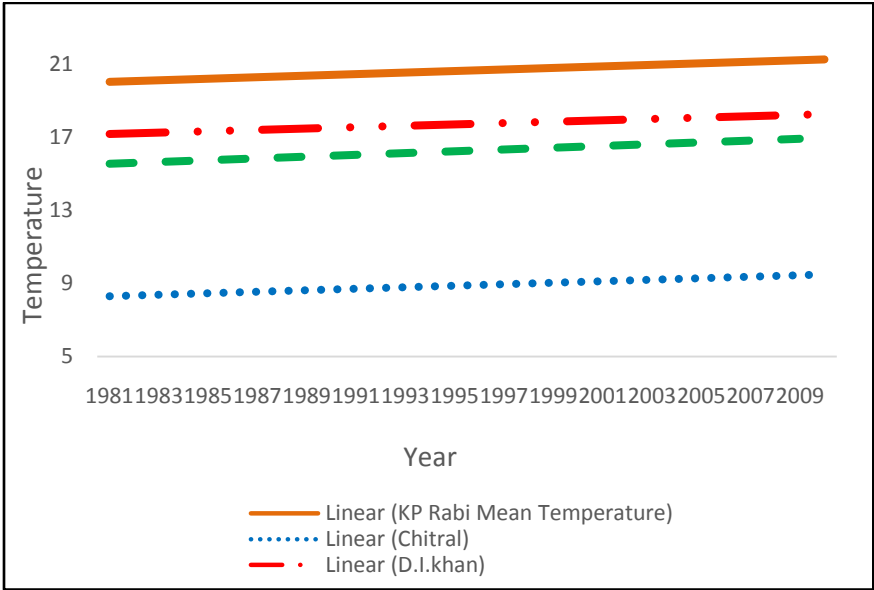


Fig. 9: Rabi Mean Temperature Trend

Summary

Summarizing the whole trend analysis, climate change in KP is perceived in the form of increased rainfalls and increased mean temperature. The trend analysis results are shown in table 1 below.

Table.1: Tabulated Thirty years Cropping Season Trend Analysis

	Kharif	Season	Trend		Rabi	Season	Trend	
	Rainfal l	Maximum Temperatur e	Minimum Temperatur e	Mean Temperatur e	Rainfal l	Maximum Temperatur e	Minimum Temperatur e	Mean Temperatur e
Souther n Region	19mm↑	1.3°C↓	0.8°C↑	0.3 °C↓	3mm↑	0.7°C↑	1.6°C↑	1.1°C↑
Central Region	38mm↑	0.6°C↓	0.7°C↑	0.3 °C↑	25mm↑	1.3°C↑	1.2°C↑	1.2°C ↑
Norther n Region	4mm↑	0.7°C↑	1.3°C↓	No Change	15mm↑	2.5°C↑	No Change	1°C ↑
KP	11mm↑	0.6°C↓	0.2°C↑	0.3 °C↓	15mm↑	1°C↑	2°C↑	1.2°C ↑

Khyber Pakhtunkhwa rainfall trend, for both the kharif and rabi cultivation period, has increased over the last thirty years span. This increased rainfall trend ranges from i.e. 3mm-38mm, is physically seen in the form of flash floods, swapped agricultural land and human and animal loss.

Similarly, KP mean temperature in rabi season is showing an increased trend of 1-1.2 degree centigrade whereas the kharif mean temperature is showing a decreasing trend of 0.3 degree centigrade. Moreover, majority of the climate change is observed in the rabi cropping season, which mostly constitutes the KP winter season. It seems that warm winters will be observed in the coming future. Warm winters are the clear indication of intensified greenhouse effect. Climate change has resulted variation in crop sowing and harvesting patterns, early crop maturation, low nutritional food, low crop productivity and intensified weed and pest outbreaks. Furthermore, the increased temperature fact is understood and acknowledged by the scientist and general public in the form of melting glaciers and depleting water reservoirs.

The Regression Analysis

This part of analysis explains the regression analysis, its significance and findings. Panel data analysis technique is incorporated at each ecological region i.e. the southern, the central and the northern zones. Crop production is taken as dependent variable over the other four independent variables i.e. area of the region, mean temperature, rainfall and square of rainfall of the selected cropping months. Panel data, random effect model is the analysis tool employed. The details of region-wise panel data analysis results are given in table 2.

Table 2: KP Region-wise Crop Estimates

Variables	KP Southern Region Model Estimates	KP Central Region Model Estimates	KP Northern Region Model Estimates
Constant	76.51*** (16.85)`	-111.35*** (35.36)	-14.48*** (8.23)
Area (A)	0.96*** (0.1001)`	2.926*** (0.275)	2.36*** (0.815)
Mean Temperature(Tm)	-2.39*** (0.553)`	1.933*** (0.792)	0.523*** (0.145)
Rainfall (N)	-0.0089 (0.073)`	0.212*** (0.084)	2.51* (1.506)
Rainfall Square(N ²)	-0.0000097 (0.00086)`	-0.000567 (0.00077)	-0.000092 (0.00034)
R-Square	0.967	0.93	0.23
Adjusted R-square	0.96	0.92	0.17

***significant at 1%; **significant at 5%; *significant at 10%

The above table clearly displays the coefficient of the variables incorporated in the three ecological zones analysis. The southern zone model results shows two variables that are significant at 1%. The first significant variable is area, pointing a definite positive impact on the crop productivity of the KP southern zone. A unit increase in the area cultivated leads to increase crop production by 0.96 units. The second significant variable is the climate variable i.e. mean temperature. It is highly significant at 1% significance level and having a negative sign. This depicts the negative impact of temperature on crop productivity. A unit increase in the mean temperature might results in shrinking the crop productivity by 2.39 units. This is scientifically proven fact that higher than required temperature effects crop germination cycles i.e. by quick ripening, undernourished crops, insects and pests infestation etc. The model is 96.7% significant, as is shown by the R-square value 0.967.

The central zone KP model gives R-square value of 0.93, displaying that model is 93% effective. This model is assigning three significant coefficients i.e. Area, Mean Temperature and Rainfall. All are highly significant at 1% confidence level. A unit increase in area might lead to increase crop productivity by 2.926 units. Keeping other conditions constant, the increase in crop production might increase 1.933 units if there is a unit increase in mean temperature. Comparing the mean temperature coefficient value with the southern zone of KP, here it is positive in nature. It clearly depicts that increase in mean temperature has favorable impact on agriculture. The third significant coefficient is of the average rainfall at central KP zone. The positive value shows a positive relation with the crop yield.

The third regression results encompasses KP northern zone. Three of the variables besides its constant intercept are significant in the model. These results illustrates a definite noticeable impact of climate change at the northern zone of KP. The coefficient of area is highly significant at 1% level. It is clearly depicting that a unit rise in area will lead to raise crop productivity by 2.36 units. The coefficient of mean temperature is also highly significant at 1% significance level. It shows that 1 unit increase in temperature might increase production by 0.523 units. The third variable, average rainfall is significant at 10% significant level. It is also showing a positive impact on crop's productivity. All the above regression equations shows that rainfall has quadratic impact on crop production process. It peaks up till a point and then slopes downward. This explains the phenomenon of decreased crop productivity by exaggerated rainfall.

Conclusions and Recommendations

Majority of the grains output and economic prosperity is linked to the rain-fed plains of the province. Out of the total 2.7 million hector cultivable area, 1.8 million hector is cultivated area while 1.08 million hectors is

cultivable waste. Moreover, approximately 49% of the cultivable area entails the rain-fed region which is climate dependent. (KP, Statistics 2011)

Summarizing the above analysis in terms of regions specific: it can be concluded that climate variables impact on crop production is highly significant. Harsh climate impacts are seen at the southern zone of KP, in terms of short water supply and scarce rain. Besides, high temperature has affected the crop productivity. Closely observing the other KP zones, climate variables has shown positive impact on northern zones of KP. The northern region climate is cold and dry in nature, increased mean temperature accelerate the crops ripening process. Most of the northern region of the province has embraced forests, thus contributing little to overall crop productivity and agricultural GDP of the province. The central regions of the province are also experiencing a positive impact of climate change. In fact it is limited to a certain limit, crossing the limit leads to a downturn in agricultural productivity.

Pakistan economy is linked to its agriculture, a robust and stable agricultural sector is the need of the day. The effective working of economy is hindered by climate impact issues such as heavy rains, flash floods, plant epidemics, water logging, water salinity, water shortages and droughts. These issues need to be addressed with persuasion and devotion. This research work is a significant asset for the concerned authorities in identifying the problems faced by Pakistan's agricultural sector. The mathematical and theoretical analysis made in this research will help in the identification of the variation in temperature and rainfall patterns at different zones of the province. A few of the recommendations drawn from the above research is as under:

1. Research and development by government, in the areas of agriculture, metrological engineering and green energy resource development should be supported and high-lightened.
2. Training and skill development should be provided to farmers in mitigation and adaptation against the harsh climate impacts as floods and droughts.
3. Technology and agricultural resources should be provided at the farmer's door step by engaging local or private enterprises i.e. in supplying heat and drought resistance seeds, ecofriendly insecticides and pesticides , green energy techniques
4. Climate zones specific incentives in the form of Islamic crop insurances, relaxed terms of credits and subsidies be introduced to farmers.
5. Metrological information should be shared with the farmers before any calamity strikes again. It can be realized by engaging media and other telecommunication authorities.

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EVALUATING THE IMPACT OF COMMUNITY MOBILIZATION INTERVENTIONS: EVIDENCE FROM BALOCHISTAN COMMUNITY IRRIGATION AND AGRICULTURE PROJECT (BCIAP)

*Jahangir Achakzai**

Abstract

The Impact Assessment Study was mainly aimed at assessing the BCIAP Projects community mobilization interventions contributing to the project's overall objective of sustainable growth in farm income. The task of impact assessment was to be based on indicators intended to be developed in helping to assess the organize participation impact of the project interventions on communities to be interpreted in the light of the information collected from the field and where necessary to be supported with information available within the project reports/documents. The methodology used to achieve the study objectives leading to determine the extent of impact of the project activities was confined to six schemes selected from amongst the 34 Scheme as sample. These schemes were selected on the basis of a criteria taking into consideration, the degree of drought in schemes, the upland and lowland status, the north & south situation accommodating cultural difference etc. The respondents to be interviewed were confined to 140 including male, female, owner cultivators and tenants.

The impact assessment related to the project objective was about knowing the extent of sustainability of the Farmer Organizations (FOs) established on 34 irrigation schemes to own and continue the task of O&M of the schemes. The study of the six sampled schemes revealed, as a major conclusion derived that none of the FOs on the six schemes were found sustainable to carry on activities related to schemes O&M on their own as well as other activities related to farmers' interests expected from them,

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despite their social capital development in the result of their organization into groups. It was assessed that though some of the FOs have completed major part of the community organizational process yet they are not capable enough to take over the responsibilities expected from them, in other words, the destination mark of sustainability is still at some distance, while, the others were found to be still at the initial stage of that route leading to sustainability. The conduction of meetings regularly, the participation of members in their respective FO meetings, the decision making process within the meetings, the proper maintenance of record related to meetings and accounts, the issues discussion process, the dispute resolution ability, fund raising ability, adoption of participatory process while discussing the problems, planning for aftercare etc, were taken into consideration while arriving at such conclusion. The organization of the communities around the irrigation schemes has developed a sense of receival mentality proving to be a constraint for achieving the status of sustainable FO.

Key Words: Community Mobilization, Sustainability, *Farmer Organization*, *Farm Income*

Introduction

Background

The Balochistan Community Irrigation and Agricultural Project (BCIAP) completed 34 perennial minor irrigation schemes (PIS) since its inception. In addition, the project also completed 4 flood irrigation schemes (FIS) and 6 mini- PIS. The project started with the overall objective of achieving sustainable growth in per capita income from irrigated agriculture, improved rural standard of living and poverty alleviation.

The development process envisaged by the project was to involve communities (beneficiaries of the schemes) in all stages of development so that sustainable growth is ensured. Considering it an essential prerequisite for development, the empowerment, strengthening and self reliance of the community was considered to be central to the process. For that purpose the project components were the vehicles deployed to bring about this change.

This study has been conducted to assess; the performance of the Farmer Organizations (FOs) formed on the schemes in terms of owning, operating and maintaining the schemes, raising and utilizing the community funds, record keeping and ability to implement the CAD works, the ability of farmers in terms of land and water management practices, and to assess whether the institutional arrangements in place are sufficient to enable the communities to maintain the scheme and ensure the continuity of activities. The study was completed keeping in view the objectives outlined below.

Objectives of the Study

- To develop indicators to assess effectiveness of community development activities of BCIAP.
- Analyse data available with project, including screening reports, baseline data, progress reports, impact evaluation reports, staff appraisal report, PC1 etc.
- Conduct field work for additional data collection on the indicators developed.
- Analyse data and determine the extent to which the project's community development activities have contributed to the projects overall objective to sustainable growth in farm incomes from irrigated agriculture.

Research Methodology

Keeping in view the scope of the study and to give a proper coverage to the indicators highlighting realistic impact assessment of the interventions by the project regarding its components, the methodology followed is as under:

The time constraint compelled the team to limit itself to six schemes, all perennial type, excluding the flood irrigation four in numbers compared to 30 perennial. A Stratified Sampling technique has been used for the selection of schemes. In all 180 respondents on six schemes, 20-30 on each scheme out of the average of 105 water share holders on each scheme needed to be covered, besides considering the FO as a group there of. But actually 140 could be interviewed due to harsh climatic condition in hot areas resulting in slight migration. The respondents have been divided into male, female, owner cultivator and tenants preferably of equal weight.

The indicators for all five components have been devised as per requirement of the impact assessment. The data collection was through; (a) A Questionnaire module designed for individual shareholders in all the six schemes, being 140 in number. (b) A second set of Questionnaire module designed for FO as a group. (c) A pro-forma designed for recording observations not covered by the above mentioned questionnaires has been used as an instrument for verification of some information reported by the respondents.

The information/data both quantitative and qualitative collected from the field has been supplemented by the data available in the Project office.

The analysis of the data collected from the field and available in the project reports has been done under a manual tabulation plan and by feeding figures in tables in a computer using the Word Perfect software. The data collected from the field through the three instruments mentioned above, has been presented in a tabular form to better express the indicators set for the various components of the project.

Community Organization and Development

The project intervened as per its broader objective to empower and strengthen the communities in the project command area. To achieve this objective, the project aimed at establishing and developing sustainable FOs capable of undertaking the complete responsibility of operation and maintenance (O&M) of the irrigation schemes. For that purpose the farmers' community has been organized on all schemes to manage their own problems, mainly pertaining to the O&M of the schemes, around which the whole idea of community mobilization emerged. The farmers have been organized in shape of FOs which are expected to perform effectively and efficiently, and are to be judged from their ability in terms of: (a) convening meetings about the confronted issues; (b) identification and prioritization of their problem; (c) decision making, free of any individual influence related to these problems; (d) cash raising and its utilization; (e) accounts maintenance; and (f) conflict management within their organizations. The communities have been trained in all the schemes about collective management from engineering point of view (repair & maintenance of schemes, in creating self reliance enabling them to manage and operate activities and in promoting the spirit for self help. In this part of the report, assessing the performance and functionality of the FOs will reflect on the degree of discipline created within the body of farmers which can fulfil the expected requirement of tackling and resolving the issues mentioned above on their own, or otherwise.

Results & Discussion

Conducting FO Committee and General Body Meetings

The conducting of meetings on specific date and time with fixed intervals (on calendar dates) is itself an indicator of the farmers' seriousness to discuss and resolve the confronted issues. It also indicates the seriousness of the FO members regarding record keeping which generally is difficult and usually not done for informal meetings.

In all the six FOs, there was no clue of holding regular general body meetings on some specific dates with weekly, monthly or quarterly intervals. In 100 % cases, FOs meetings are being held as and when required which indicates non regularity of holding the meetings. The meeting places usually change, mostly taking place in mosques and on occasions of marriages, rites and ceremonies. This can be interpreted either due to poor understanding of the discipline required to successfully run a new organization for a longer period of time, or due to poor resource base of a given community and spatial constraints of the scattered households. The evidences from the field suggest that in 100 % cases there is no proper meeting place in any village.

A further evidence of the poor understanding of discipline, interestingly, is that an FO committee (meaning FO management committee) is understood to be the FO in all the six schemes surveyed and the FO committee meeting is called the FO meeting (meaning general body meeting) although an FO, as per by-laws, is referred to as general body of all shareholder farmers which must hold its meeting once a year, the venue to be announced at the occasion of Eid-UL-Azha as per the By-laws of the FO. (Annex-1)

Level of Participation

The attendance of the FO meetings by its members is an indicator of the unity, discipline, responsiveness to responsibility shouldering and sense of readiness to address the issues faced. Low participation must be considered a red signal of the organizational effectiveness, functionality and even continuity in future. On the six schemes visited, the participation in the meetings has been satisfactory. The FO members of Wala Viala, Wahar and Wandri indicate the participation of 100% (taking it in the narrow definition of FO committee as the FO), while in Sazoo attendance being more than 50 % and in the rest less than 50 % generally. There are instances where attendance has been more than 100 % (where the meetings are being attended by farmers other than FO committee). The overall position reflects that in half of FOs, members participation is usually 100 % members participation in the meetings while, in 50 % FOs members attendance has been from 25 to 75 percent. Projecting this trend to the entire domain of 30 project schemes, one can say that farmers’ level of participation in their respective FO meetings has generally been good.

Table 1: Level of Farmers Participation in FO Meetings.

Name of Schemes	FO Members Participation in Meetings			
	Upto 25%	>25% - 50%	>50% - 75%	100%
Wala Viala	✗	✗	✗	
Sazoo	✗	✗		✗
Pandran	✗		✗	✗
Mushkaf	✗		✗	✗
Wahar	✗	✗	✗	
Wandri	✗	✗	✗	
Total Schemes	6	2	1	3
Percentage	0	33	17	50

Ability of Decision Making Independently

The decision making process free from any interference and dominance from vested groups or individuals is generally considered to be a sign of real participation of community members. It also reflects positively on the empowerment of the community members. Sometimes the elders of the village other than the FO members, FO office bearers, tribal chief, influential or activists in the village finalize the decisions without seeking the consent of the FO members which causes frustration among ordinary members as it serves the interest of the decision makers only. The situation coming up through field survey presents the picture that decision making process in most of the cases (64 %) is not influenced at all by anyone in the FO meetings. However, according to some respondents (21%) the FO leaders, one way or the other, influence the process of decision making. Some respondents (14%) thought that activists also influence the decisions of the FO through their smartness. The activists role in few FOs is dominant such as Wala Viala and Mushkaf though it has positive and negative elements reflecting on the future potential of FO.

The decisions made on the basis of equality principal providing opportunity to all members to express themselves freely during a meeting process is also an indicator of empowerment of the FO. The decisions are if, dominated and/or dictated other than the adoption of democratic process, the functionality of the FO can be doubted. This survey revealed that in 89 % cases the decisions in the meetings are made through consensus and in 8 % cases through the dictation of the FO leaders followed by the decisions on majority principal.

Table 2: Decision Making Process in FO Meetings.

Name of Schemes	No. of Respondents	Decision Made Through		
		Majority	Consensus	Dictated by FO Leaders
Wala Viala	14	-	14 (100)	-
Sazoo	11	-	9 (82)	2 (18)
Pandran	13	-	13 (100)	-
Mushkaf	11	-	11 (100)	-
Wahar	12	1 (8)	10 (84)	1 (8)
Wandri	13	-	10 (77)	3 (23)
Total	74	1	67	6
%age		2	90	8

() : Figures in parentheses are percentages

Record Maintenance Ability

To have the record and keep it updated and accessible to all the concerned can help in avoiding permanent confusion and removing mistrust. This dimension of the FOs has been covered in this survey to know about: the existence of the record, how it looks in terms of posting information, completeness, and most importantly, its checking by any authority or functionary as a training step. The working procedures of the project required that records of not only scheme construction accounts but also of minutes of FO meetings and O&M activities should be maintained. The status of six schemes pinpoints that in 100 % cases O&M accounts have been maintained, whereas in cases of minutes the performance of the FOs in general is quite poor indicated by the fact that in only 17% cases minutes of the meetings have been maintained but that also in an incomplete and irregular pattern. It appears that the project has paid focussed attention on the need for FOs to maintain their accounts. It is a healthy sign for establishing viable FOs. However, neglect of writing minutes in most cases indicate that a longer aftercare period is required for social organization process to take firm roots. (Annex-2).

Awareness about the FO Functioning

The FO members should be aware of the matters related to the community in general and farming community in particular. For the viability of an FO, such awareness was considered essential at the first place and was to be used as a planning tool for capacity building of the FO to have more responsibilities. The collective thinking and working spirit is a pre- requisite for functional FO, otherwise, doubts are inevitable to creep up. The matters which can disrupt the unity of the community members have to be in the knowledge of the shareholders regarding accounts, record, by-laws etc. Many FO members although justify their lack of information as their trust and confidence in office bearers of the FO, the ignorance has to be converted into knowledge for better functioning of the FO. This assessment found that 42 % of the farmers had the knowledge of FO by-laws or were aware of the FO by-laws while, the rest 58 % had no idea about the by-laws. However, in most cases where the FO members had no knowledge, the office bearers claimed of having a copy of the bylaws. Therefore, the problems seem to be that of dissemination within the community members. Regarding the knowledge, in general, about accounts and its transparency, minutes of all kinds, agreements, by-laws, and maintenance kits (for physical works), the farmers were less knowledgeable on the average. The respondents tried to cover this deficiency by expressing their trust and confidence in chairpersons. Transparency was viewed to be satisfactory by 46% respondents, while the remaining 54% thought that the accounts were not

transparent. Because of time limitations, the assessment did not explore the causes of this negative perception, but more likely it appears to be a dissemination issue since 100% responded had confirmed earlier that FO accounts were regularly maintained and 83% believed that these records are checked by the BCIAP functionaries (Table-5).

Involvement of the Members in Different Stages of Development Process

To ensure the participation of the communities in any scheme/ project cycle requires involvement of the beneficiary community in the complete development process from the start till the end but not in piece meals, otherwise, the commitment of owning the scheme and its subsequent operation and maintenance by the community will not materialize and doubts will erupt. This kind of situation may have arisen on the few problematic schemes where the beneficiaries are not happy, rather they are in a resentment position because of the unwanted deprivation of the expected benefits.

Generally, this assessment found that 83% FOs felt that they were fully involved in scheme selection and implementation, while 67% thought they were consulted in scheme identification and design features. However, scheme-wise analysis show that 67% schemes had full beneficiary participation in all four phases of development, 16% schemes show beneficiary participation limited to only two phases, while another 16% schemes show no beneficiary participation.

The stages, where farmers have to be a part of, and share their due responsibility presents a different situation. Farmers in these cases were involved in particular stages and agreeing to their furthering the progress, they now are refusing their involvement. In two of the schemes, Wahar and Sazoo for example, the farmers among themselves had a contradictory attitude where some of the respondents confessed their being involved in the whole process of site selection, designing and implementation and others refused to be involved and being a part of designing and implementation particularly. The divergent views were not probed further by the impact assessment team because of inadequate time for collecting, collating and analyzing the background information for these particular cases.

Table 3: FOs Involvement in Scheme Development Process

Name of Schemes	Stages of Development Process			
	Identification	Scheme Selection	Designing	Implementation
Wala Viala	Yes	Yes	Yes	Yes
Sazoo	No	Yes	No	Yes
Pandran	Yes	Yes	Yes	Yes
Mushkaf	Yes	Yes	Yes	Yes
Wahar	No	No	No	No
Wandri	Yes	Yes	Yes	Yes
Total: 6	4 (Yes)	5 (Yes)	4 (Yes)	5 (Yes)
Percentage	67	83	67	83

Maintenance Ability and Responsibility Acceptance

The concept of O&M only applies to the physical upkeep of the schemes constructed, but also to the long term continuity of scheme operations efficiently and on self help basis. The project reports indicated that the FO members have been trained for the purpose. The test of farmers efficiency for maintenance of the scheme requires the checking of their ability to repair and maintain the channel through the use of tool kit provided by the project. The other way round was to find out whether despite training they received, do they still depend on outside technical support?

The assessment survey indicates that in 100 % cases the FO members have received the technical training and acknowledge the benefits attached to the training. In 50 % of the schemes, the FO members use the kits for repair and maintenance. In some cases though, in villages of Wahar & Wandri for example, some members are even not aware of the kits provided to the FO. It does not mean, however, that kits were not supplied in these schemes, rather it reflects on the extraordinary confidence of members on chairmen of their respective organizations. There are also cases where the use of kits has been postponed for future because the FOs already possessed required tools normally used for repair.

The important consideration here is that in 100 % of the cases, the farmers admit that they have acquired the required ability of repair and maintenance. However, the concept of using this ability for purposes other than main channel (such as command area watercourses and ditches) has not been fully recognized by the FO members. In 67 % cases, the farmers (responding in groups) showed their willingness for a comprehensive repair and maintenance whereas in 33 % cases, they expressed doubts on their readiness for maintenance.

Looking from the aspect of O&M funds, 50 % of the farmers were satisfied with the amount being sufficient for the purpose, while the rest thought that the funds were insufficient although they were ready to raise further funds. In 100 % cases, the FOs are willing and capable of raising extra funds whenever needed (Annex: 3).

Overall this assessment found a high degree of readiness among FOs to carry out the O&M and raise more funds if needed. The provision of tool kits and acknowledging the value of training has also been universal to all FOs.

Cash Mobilization Ability

The cash mobilization situation reflects on the strengths of FOs. It indicates ability of an FO to collect funds not only for creating physical assets, such as civil works, or for maintaining such assets, but also for other broad-base purposes. However, it must fulfil the necessary conditions of maintaining orderly and transparent accounts, presentation of accounts to the general body, and a sound practice of checking and auditing these accounts. In 97 % cases, the respondents were found willing to raise funds for O&M whereas 76% farmers were even ready to raise funds for activities other than O&M. Obviously, if they have substantially contributed to the total construction cost of the schemes, as is the case in this project, their stakes are quite high to forego annual O&M. This is one of the key impact indicators that demonstrate success of the project.

The fund raising sources comprise mainly the individual contributions on water share basis, as reported by almost all respondents. The individual contribution was supplemented by borrowed money in 2 cases, but in one scheme, oddly, a single person contributed to the entire fund. It would have been interesting to probe further on the motivation of such an individual for deviating from the principles of equity, whether it was due to social dominance (feudal) or due to some other latent vested interest. Save for such isolated examples of elite manoeuvring, an overwhelming majority of project beneficiaries rely on their ability to raise money for common good. How long this ability may continue is an open ended question. The group responses suggest that in 90 % cases the farmers were hesitant to disclose in a group meeting their doubts on the transparency of accounts. They all said that the accounts were transparent. However, individual responses present a different picture: 54 % farmers informed have even not seen the accounts themselves and were unaware of the discussion ever held in any meeting. This finding suggests that a little more time and a lot more effort was required in social mobilization during the post-construction period. Unfortunately, for most schemes, the post construction was squeezed to a mere few months. (Annex: 4)

Conflict Management Ability

The disputes in collective work style are inevitable in any society. However, their settlement through a collective spirit and organized body is considered to be a strong positive of that society. On a small scale, it also holds true for an FO which one may treat as a miniature society. The important considerations in this regard include the frequency and the internal arrangement for resolving such disputes. Assessing this trait was difficult. Nonetheless, as a first point, the farmers were put under the query to confess the presence of conflicts. If so, the next challenge was to determine whether these conflicts are managed or resolved by the FO itself, or their resolution depended on external elements such as tribal chief, mullah, government functionaries, and/or project staff.

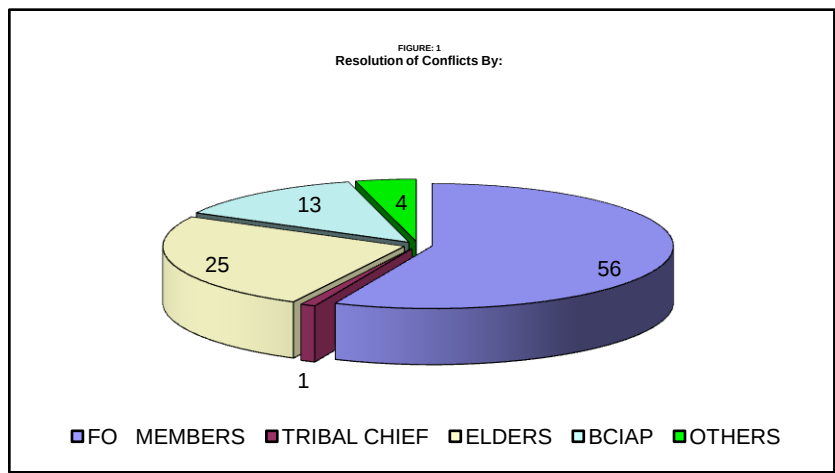


Fig. 1: Resolution of Conflict By:

Not a single FO admitted that they ever were faced with the situation of frequent disputes major or minor type, however, a significant number of farmers interviewed individually (45%) were of the opinion that they have not come across any type of dispute whether major or minor, however, most of the respondents (55%) agree that they confronted the disputes from time to time but not very often. The major disputes are the ones that adversely affect the smooth working of an organization (FO in our case) and pose a serious threat to its survival.

The major conflicts include; grouping among members due to head and tail issue, water theft or misuse of funds by office bearers or clashes among members creating enmity between clans, refusal to contribute for fund raising, refusal to participate in maintenance etc. On the other hand, minor disputes are the ones which neither impede the working of the community

organization nor pose a threat to the unity in general but it affects the motivation of aggrieved members. For example, in case of an FO; disagreement over the meeting date and place by a member, disliking an office bearer by few even if elected by majority, trifles continuing from village ceremonies and events, non accommodating individual views but decisions on majority principles etc. The respondents also contended that dispute arising is a common phenomenon and the FO strength should only be judged from the ability to resolve these disputes. On this issue, they felt that the dominant conflict resolving body is the FO itself. It resolved 56 % of the conflicts whereas elders of the village are the next bigger source in resolving the disputes in 25 % cases. Most respondents felt that the project staff, the tribal chief, and/or other external influences were only needed by the FOs in dispute resolution (Annex: 5).

Aftercare Measures

The insight of the farmers who got together around the scheme with so much of enthusiasm clearly indicates that they are convinced of schemes economic benefits. What remains to be seen is to find out what plans they have prepared, or have in mind, to operate and maintain their schemes on a sustainable basis, whether they can effectively use the FO forum to practice and perpetuate activities learnt from the project and non-project sources, and whether they are clear about how to further strengthen their FO. This survey found that in 83% schemes, the FO s are conscious about the aftercare requirements of the scheme but have no clear plan what to do and how to do. They rather consider aftercare to be the repair and maintenance only. Moreover, the farmers are unclear how to utilize their FO strength for collective activities other than the scheme matters. Only 16% FOs mentioned that they are thinking to utilize their organizational ability as a collective force to undertake other activities useful to the community (Annex: 6)

Perception about Social Change

The perception of the farmers was sought about the effect of the interventions of the project particularly the community organization such as the formation of FOs to judge their ability of understanding the community mobilization.

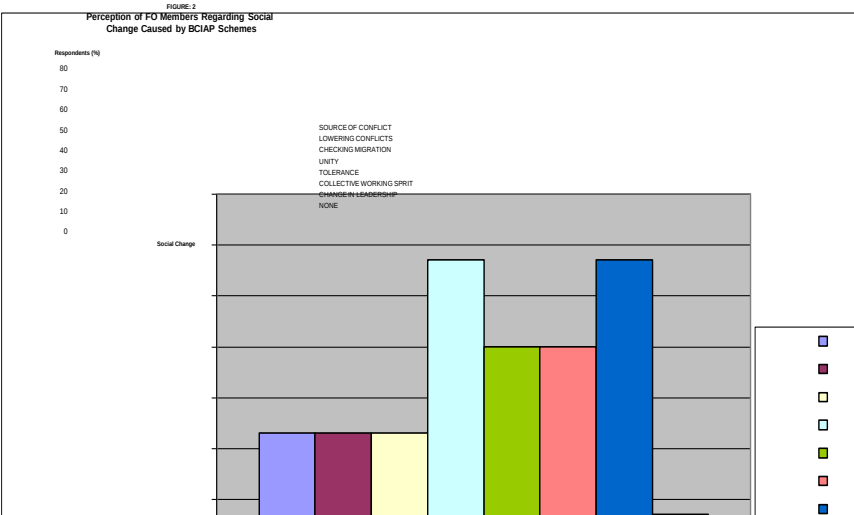


Fig. 2: Perception of FO Members Regarding Social change Caused By BCIAP Schemes

The responses of the farmers indicated that as first priority 67% respondents are of the opinion that it created unity among farmers while 33% marked it as a source of conflict within the community. As a second round of answers, 50 % mentioned the main outcome to be the creation of tolerance among farmers and 50 % mentioned creating collective working spirit to be an outcome of organization of the communities. Likewise, the social change caused by the intervention in shape of community organization includes positive change in leadership, source of lowering the intensity of conflicts and checking migration. The figure given below shows all the related responses in this regard (Annex: 7).

Findings

- The FOs do not generally conduct meetings on any fixed date or calendar day. The meetings generally are conducted as and when desired and without having any proper meeting place. The meetings are only occasionally attended by the project staff except for during the starting few months of the project.
- The FO committee is regarded and called to be the FO for all practical purposes. The interaction of FO committee with FO members appears to be minimum which raises questions about the functionality of the FO on a long term basis. The FO general body meetings generally have not been called at the end of the year as required under the FO by-laws.
- As the FO Committee is the representative body of FO (general body), its attendance should have been fairly high (80-100%), but the practice

regarding attendance is that only about half the FOs reported 100% attendance of its committee members. Attendance levels of the remaining FOs were rather being 25-75%.

- Independent decision making has been happening in 64% FOS. In 21% cases, the FO leader, and in 14% cases, the activists, influence the decision making process in FO meetings.
- Democratic process is the dominant mode employed in decision making. In almost 90% cases, decisions are made with consensus and in rest of the cases, through majority principle or through the dictation of FO leaders.
- The maintenance of FO accounts, particularly the O&M accounts, has been perfect because in 100% cases these accounts have been kept and verified by the concerned authorities. Other record keeping by the FO has been dismal, for example, minutes of the meetings are maintained by a mere 20% FOS and that too improperly.
- Awareness of FO affairs among its members appears to be problem area. For example, only 42% farmers have the knowledge about the existence of FO by-laws. On another parameter in the context of transparency, 46% respondents have never ever seen the FO accounts.
- The participation level of farmers in all stages of scheme development process has been very good. About 67% farmers reported their complete involvement in the development process. In about 30% schemes, a controversy existed among the farmers regarding their partial or little involvement in the design and implementation stages.
- All FOS acknowledged receiving technical training on O&M matters from the project staff. In 100% cases, the farmers see their ability to carry out repair and maintenance of their schemes independently. However, 67% of them expressed their willingness to pay for repair and maintenance while the remaining 33% desired that external/donor assistance should continue for this kind of work.
- Notwithstanding the above finding, as high as in 97% respondents are willing to raise funds for O&M. Of these, 76% agree to use such funds for a variety of activities but, of course, inclusive of O&M as the primary objective.
- There appears to be a good understanding within FOs. It can be judged from the fact that 45% farmers reported no conflicts at all and the rest mentioned about the minor conflicts. These conflicts are mainly resolved by the FO itself, as indicated by 65% of respondents while 35% respondents felt that disputes are resolved by the village elders.
- Over 83% FOs are conscious of the need for post-construction scheme aftercare but are without proper plans for this aftercare. A few FOs appear to be willing to go for aftercare through their funds.

Overall Impact of Community Mobilization

The community mobilization efforts of the project have resulted in positives which has given them an edge over the unorganized communities in rural Balochistan. The FOs in project scheme areas have been impacted positively by the emergence of decision making in a democratic way where after discussion, 90% decisions are made through consensus and the rest with majority principle or dictated by leaders of FO. Likewise, in conflict management the scenario has changed drastically where these conflicts are resolved mainly within the organization (80% cases) and the rest through other means which is indicative of the creation of an appropriate forum of conflict resolution and also the stoppage of external interferences in farmers' problems. There is a significant change in the attitude of the villagers in the tribal set up of Balochistan where conflicts and tribal feuds are too common. Some further empirical research is required to determine that why in presence of such a good forum and a suitable democratic process, conflicts in some FOs have not yet been resolved and these still linger on. There is a possibility that the FOs, replacing the earlier set up where the tribal chiefs and feudal lords were dominant are faced with a situation of conspiracy by those who take it as threat and thus attempting to weaken the new system of organized communities. Moreover, the accounts keeping habit created within the communities, particularly the O&M accounts and its verification maintained in 100% cases, by the project, is an intervention that has resolved numerous disputes before its birth and will also be helpful in future to wash out doubts within the community and the rest of the world in easing the problem of interaction in future regarding financial matters. For keeping the farmers united and FOs intact, account keeping is crucial. The FOs have learnt to operate and maintain accounts and can uphold this skill in future. The community mobilization efforts of the project have a positive impact on the farmers' communities in terms of their involvement in different stages of development process. As a result of the community mobilization intervention, 67 % of the respondents confessed their involvement in complete cycle of development process and 83 % acknowledged their involvement in at least two important stages of this process; scheme selection and implementation. This indicates the change from top-down to bottom-up approach, in other words, the initiation of participatory development approach. The participatory mode of development has replaced the non participatory mode which has prepared the community to share the cost of the schemes, own the schemes and take responsibility of operation and maintenance thus showing a clear edge over the general rural population of the province of Balochistan. The technical training imparted to the villagers is another area which has differentiated the project trained farmers from the farmers in other parts of rural population in terms of enabling the FOs to be confident enough to repair and maintain the schemes. Some 67 %

respondents endorsed the notion of their being able to repair their schemes which for they are well equipped after receiving the required kits after training received by 100% FOs. The readiness and confidence of 2/3 respondents is a big achievement and there is a need to upkeep the determination of the farmers. The impact of this training is quite evident as the farmers have been equipped both through knowledge and tools.

Thus organizational and technical training skills imparted to the local communities, the ability creation within these communities to share the costs in small projects, maintain and manage the O&M accounts, resolve their conflicts through discussions and consensus has contributed in building the social capital. The communities are now expected to upkeep the strength of the social capital built which can be utilized for other collective activities in future provided, the discipline needed for better use of social capital and the learnt lessons are put into practice.

However, due to, perhaps shortage of time, some weaknesses in FOs have slowed down the impact of community mobilization. These weaknesses need to be removed to see a higher impact on communities.

Conclusions and Recommendation

The community mobilization efforts of the project have a positive impact on the farmers' communities in terms of their involvement in different stages of development process. As a result around 70% respondents confessed their involvement in complete cycle of development process and more than 80 % acknowledged their involvement in at least two important stages of this process; scheme selection and implementation. This indicates the change from top-down to bottom-up approach, in other words, the initiation of participatory development approach. The participatory mode of development has replaced the non-participatory mode which has prepared the community to share the cost of the schemes, own the schemes and take responsibility of operation and maintenance thus showing a clear edge over the general rural population of the province of Balochistan.

It appears that although enough time has been devoted by the project to social mobilization of communities during the scheme construction phase resulting in building an invaluable social capital. However, inadequate time has been spent with these FOs during the post-construction phase. As a result of the project intervention, the democratic process is now the dominant mode employed in decision making where in almost 90% cases, decisions are made with consensus. The participation level of farmers in all stages of scheme development process has been very good and a large number of farmers reported their complete involvement in the development process. Almost all the respondents are willing to raise funds for O&M. The communities have shown their willingness to cooperate, their readiness to

learn, and commitment to achieve an objective provided that credible catalyst works through them.

In order to harness this potential to serve the communities for a long time to come, a substitute catalyst, perhaps of less intensity and much less expensive, needs to be around for at least another five years. This could be in the form of a credible NGO or through a purely semi-government sponsored program of community mobilization and consolidation.

Annex-1: Status of Meetings in Six Scheme Villages

NAME OF SCHEME/ VILLAGE	STATUS OF HOLDING FO MEETINGS	
	AS REQUIRED	FIXED DAY/DATE
Wala Viala PIS	✓	✕
Sazoo PIS	✓	✕
Pandran PIS	✓	✕
Mushkaf PIS	✓	✕
Wahar PIS	✓	✕
Wandri PIS	✓	✕
Total 6	6	0
Percentage	100	0

Annex-2: The Record Maintenance Ability of the FO in Six Scheme Villages

NAME OF SCHEME/ VILLAGE	RECORD CHECKED BY			RECORD MAINTENANCE			
	NONE	BCIAP	REGISTRAR	MINUTES OF MEETINGS	ACCOUNTS	O&M	OTHER
Wala Viala PIS	✓	✗	✗	✗	✓	✓	✗
Sazoo PIS	✗	✓	✗	✗	✓	✗	✗
Pandran PIS	✗	✓	✗	✗	✓	✓	✗
Mushkaf PIS	✗	✓	✗	✗	✓	✓	✗
Wahar PIS	✗	✓	✗	✗	✓	✗	✗
Wandri PIS	✗	✓	✗	✓	✓	✓	✗
Total: 6	1	5	0	1	6	4	0
Percentage	17	83	0	17	100	67	0

More than one answer has been shown.

Annex-3: Maintenance of Scheme Ability of FOs in Six Scheme Villages

NAME OF SCHEME/ VILLAGE	WILLINGNESS FOR MAINTENANCE	FUND SUFFICIENCY	RAISING EXTRA FUND
Wala Viala PIS	✓	✗	✓
Sazoo PIS	✓	✗	✓
Pandran PIS	✓	✓	✓
Mushkaf PIS	✗	✓	✓
Wahar PIS	✗	✓	✓
Wandri PIS	✓	✗	✓
Total: 6	4	3	6
Percentage	67	50	100

Annex- 4: Fund Raising Ability of FOs in Six Scheme Villages

NAME OF SCHEME/ VILLAGE	WILLING TO PAY (PURPOSE)				SOURCE OF FUND		
	UNWILLING	O&M		OTHER COLLECTIVE WORKS	COLLECTIVE CONTRIBUTION	BORROWED	SINGLE PERSON CONTRIBUTION
Wala Viala PIS		14	-100	14	-100	✓	✓
Sazoo PIS	2 (18)	9	-82	4	-36	✓	✓
Pandran PIS		13	-100	10	-77	✓	
Mushkaf PIS		11	-100	5	-46	✓	
Wahar PIS		13	-100	11	-92	✓	✓
Wandri PIS		12	-100	11	-92	✓	
Total 74	2	72		55	6	2	1
Percentage	3	97		76	100	33	17

(): Figures in parentheses are percentages

More than one response has been accommodated

Annex-5: Nature and Magnitude of Disputes Within Farmers Organizations in Six Scheme Villages

NAME OF SCHEME/ VILLAGE	FREQUENCY OF DISPUTES			RESOLUTION OF CONFLICTS					
	NONE	SOMETIME	OFTEN	FO MEMBERS	LEADERS	TRIBAL CHIEF	ELDERS	BCIAP	OTHER
Wala Viala PIS	6 -43	8 -57	-	7 -50	-	-	7 -50	-	-
Sazoo PIS	6 -55	5 -45	-	8 -57	-	1 -7	4 -29	-	1 -7
Pandran PIS	4 -31	9 -69	-	10 -63	-	-	1 -6	3 -19	2 -13
Mushkaf PIS	8 -73	3 -27	-	6 -100	-	-	-	-	-
Wahar PIS	6 -50	6 -50	-	5 -33	-	-	5 -33	5 -33	-
Wandri PIS	3 -23	10 -77	-	6 -60	-	-	2 -20	2 -20	-
Total 74	33	41		42		1	19	10	3
Percentage	45	55		56		1	25	13	4

(): Figures in parentheses are percentages
 More than one response has been accommodated

Annex- 6:Aftercare of Scheme and Future Plan of FOs in Six Scheme Villages

NAME OF SCHEME/ VILLAGE	AFTERCARE PLAN		FUTURE PLAN		
	YES	NO	NO PLAN	COLLECTIVE WORK	AFTERCARE
Wala Viala PIS	✓	✗	✗	✓	✓
Sazoo PIS	✗	✓	✓	✗	✗
Pandran PIS	✓	✗	✗	✗	✓
Mushkaf PIS	✓	✗	✗	✗	✓
Wahar PIS	✓	✗	✗	✗	✓
Wandri PIS	✓	✗	✗	✗	✓
Total: 6	5	1	1	1	5
Percentage	83	17	17	17	83

Annex-7: Social Change Due to BCIAP Schemes in Six Scheme Villages

NAME OF SCHEME/ VILLAGE	SOURCE OF CONFLICTS	LOWERING CONFLICTS	CHECKING MIGRATION	UNITY	TOLERANCE	COLLECTIVE WORKING SPRIT	CHANGE IN LEADERSHIP	NONE
Wala Viala PIS	×	×	✓	✓	✓	✓	×	×
Sazoo PIS	✓	×	×	×	×	×	✓	×
Pandran PIS	×	✓	×	✓	×	✓	✓	×
Mushkaf PIS	×	✓	×	✓	✓	✓	✓	×
Wahar PIS	✓	×	✓	✓	✓	×	✓	✓
Wandri PIS	×	×	×	×	×	×	×	×
Total: 6	2	2	2	4	3	3	4	1
Percentage	33	33	33	67	50	50	67	67

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